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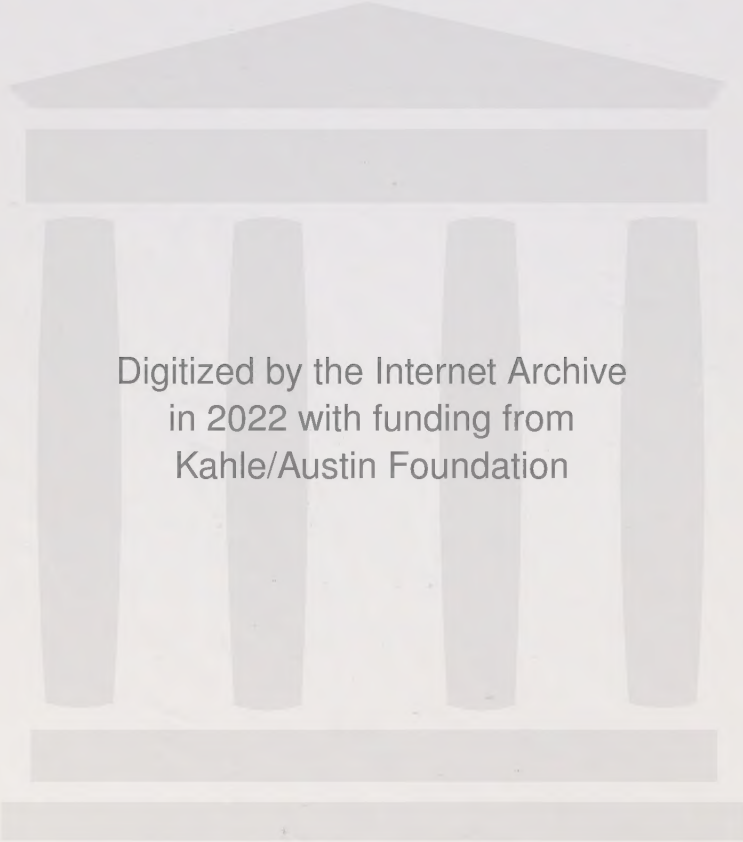
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Highlights in
MORMON

POLITICAL
HISTORY

J. Keith Melville

CHARLES E. MERRILL MONOGRAPH SERIES
IN THE HUMANITIES AND SOCIAL SCIENCES



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IN THE
HUMANITIES AND SOCIAL SCIENCES

HIGHLIGHTS IN MORMON POLITICAL HISTORY

by J. Keith Melville : HAX

Associate Professor of Political Science

Brigham Young University : CCU

GEORGE E. MAYCOCK



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Other Number in This Series

The Long Hot Summer of 1912: Episodes in the Flight of the Mormon Colonists from Mexico by Karl E. Young. One dollar plus 15 cents for postage and handling.



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PREFACE

Dr. J. Keith Melville's *Highlights in Mormon Political History* is offered as the second issue in the Charles E. Merrill Monograph Series in the Humanities and Social Sciences. The publication of this series has been made possible by a generous grant from the Charles E. Merrill Trust Fund to the Colleges of Humanities and Social Sciences at Brigham Young University.

The series was initiated with the publication of *The Long Hot Summer of 1912* by Karl E. Young, professor of English. Dr. J. Keith Melville, whose writing on Mormon political history is found in the present issue, is an associate professor in the Department of Political Science.

These and forthcoming issues, probably two or more each year, will continue to reflect the creative, scholarly efforts of the two faculties as they are expressed in a variety of kinds of writing—historical, critical, imaginative.

Ralph A. Britsch
Jesse W. Reeder
R. Max Rogers

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PART I

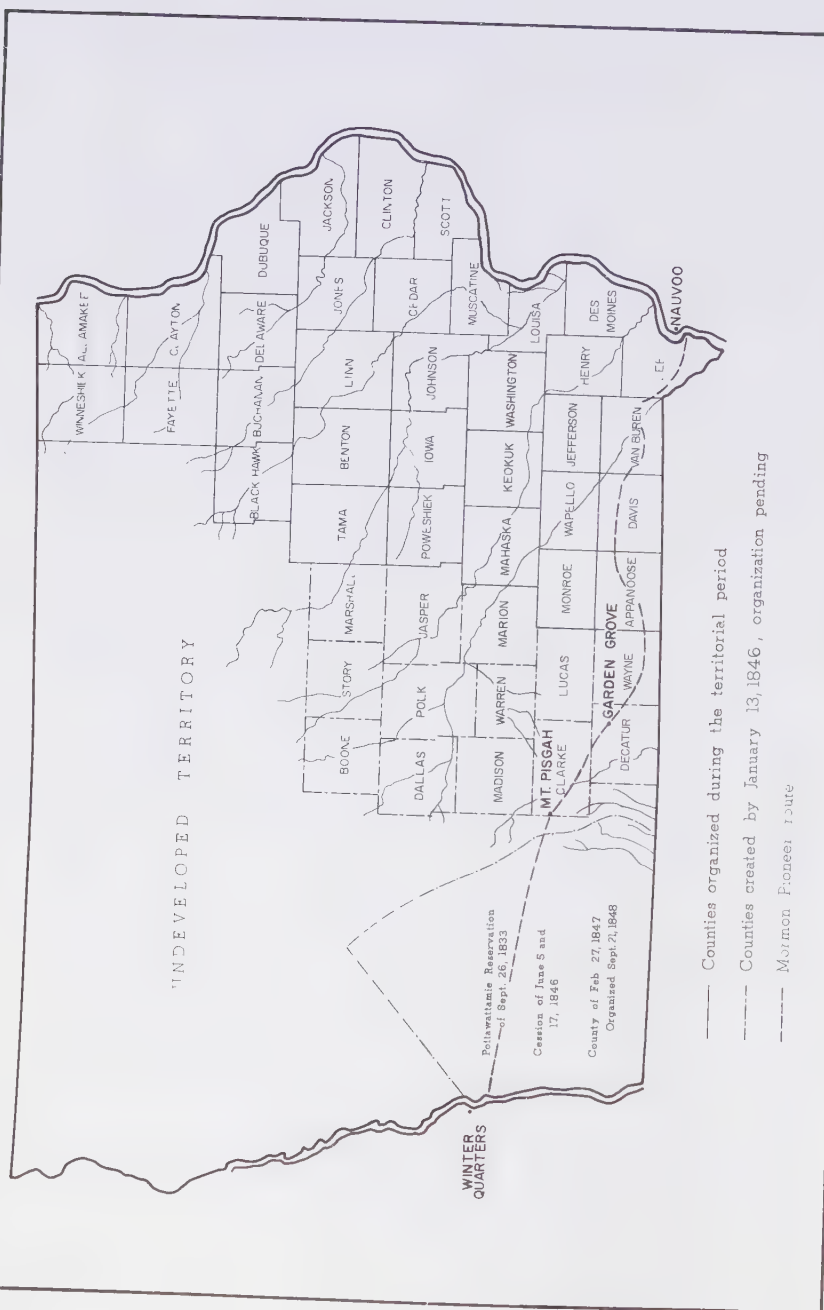
POTTAWATTAMIE POLITICS: THE MORMONS IN THE FRONTIER POLITICS OF IOWA

Migration Halted at the Missouri

The exodus of the Mormons¹ from Nauvoo, Illinois, to the Rocky Mountains was temporarily halted at the Missouri River. These religious outcasts had been forced to leave their prosperous city on the Mississippi River beginning in February of 1846 before they were adequately prepared for travel; the trek across southern Iowa during the winter and spring was most difficult. On June 28, Brigham Young, the president of the Quorum of Twelve Apostles of the Church and the chosen leader of the migration, proposed sending a scouting party to the Bear River Valley. Volunteers for this party were being prepared for the journey, when Captain James Allen of the United States Army rode into the westernmost camp on June 30.

Captain Allen presented his orders from Colonel S. W. Kearney to Brigham Young and other leaders of the Church in council at the tent of John Taylor. The captain was instructed to raise four or five companies of able-bodied men to march with Colonel Kearney to California and assist in the conquest of Upper California in the Mexican War. The appearance of United States troops in the Mormon Settlements was frightening to many because of violence experienced in Ohio, Missouri, and Illinois; but in actuality this action was a result of the effective lobbying activities of Jesse C. Little, the presiding elder of the Church in the Eastern States, who had had interviews with many of the leading governmental officials in Washington, including President James K. Polk. The Mormons had recognized the need for aid in their migration to the West, and they earnestly sought help from the government. In addition to Little, Charles R. Dana was in Washington to secure financial aid for the Saints, but the most significant assistance was that of Thomas L. Kane, a non-Mormon who became a long-time friend of the Mormons. Enlistment of five hundred men in the army for a year was not exactly what the Saints had hoped for, as this would mean that the majority of the people would have to spend

¹The formal designation of this religious group is The Church of Jesus Christ of Latter-day Saints, but common usage and convenience of the Mormon Church and Mormons or Saints for its members dictate the use of the shortened terms throughout the article.



the winter on the Missouri River. Nevertheless the battalion was recruited; the exodus was halted; and the leaders of the Church were thankful for the assistance thus afforded them.

Captain Allen granted permission to the Mormons to remain on Indian lands, and it was later confirmed by R. B. Mitchell, Indian sub-agent. Reluctant approval of this action was subsequently acquired from Washington. A bustling frontier community emerged on the Omaha lands on the west side of the Missouri River called Winter Quarters, which was the principal temporary settlement of the Mormons. Other Mormon communities, however, were scattered across southern Iowa and were destined to play a controversial role in the turbulent frontier politics of that state.

Politics had been a factor in the troubles of the Mormons in Ohio, Missouri, and Illinois. In the latter state, the Mormons were recognized as a potentially powerful political force, and their vote was sought by both political parties.² Using this political leverage, the Saints were able to extract a liberal charter for their city of Nauvoo, with a significant degree of local autonomy. Joseph Smith, president of the Church, consciously attempted to procure political protection for his "peculiar people." This ultimately backfired, however, and resulted in the death of Smith and the expulsion of the Mormons from Illinois.

The solidarity of the Mormon vote was what each political party sought, but it was also the point of great protestation by the losing party when the election was over. This complaint was frequently buttressed by the cry that an unhallowed merger of church and state was taking place when the Mormon populace followed the admonitions of the Church leadership in politics. Theocracy, indeed, existed among the Mormons in theory and practice from the Illinois period until well after Utah became a territory of the Union. After the death of Joseph Smith, the city of Nauvoo was governed theocratically when the Nauvoo Charter was repealed. There was little alternative, and the organization of the Church proved capable of filling the political void

²Governor Thomas Ford in his *History of Illinois* (Chicago: S. C. Griggs & Co., 1854), p. 262, wrote the following concerning the political significance of the Mormons: "They were already numerous, and were fast increasing by emigration from all parts. It was evident that they were to possess much power in elections. They had already signified their intention of joining neither party, further than they could be supported by that party, but to vote for such persons as had done or were willing to do them most service. And the leaders of both parties believed that the Mormons would soon hold the balance of power, and exerted themselves on both sides, by professions, and kindness and devotion to their interest, to win their support."

created by the action of the state legislature. The exodus resembled the exodus of the Children of Israel from Egypt and was conducted theocratically. At Winter Quarters the people were governed by the ecclesiastical authorities—generally by the Twelve Apostles and the Council of Fifty and locally by the High Council and bishops.³

With the coming of spring in 1847, Brigham Young led the pioneer company to the Great Salt Lake Valley. Other companies followed the same year. Although short of man power, they were helped measurably by the money sent back by those who had enlisted in the Mormon Battalion. The Mormon prelate and several other leaders of the Church returned to Winter Quarters in the fall to prepare the Saints for the larger migration to be conducted the next year.

The industrious Mormons who remained at Winter Quarters built homes, grist mills, and other permanent structures. The settlement bustled with activity during the fall of 1847, in preparation for the next year's migration. Many were so poor, however, that they could not seriously consider the long journey to the mountains. Non-Mormons on the frontier were reluctant to believe that Winter Quarters was a temporary settlement because it carried such an air of permanency. Pressure on the Mormons to vacate the Omaha lands increased from the Indian agents, and President Young suggested in a meeting on November 14 that those who could not go west the following spring should move to the east side of the river. The Saints voted at the meeting to leave Winter Quarters the next spring.⁴

At a conference held in the log tabernacle in Miller's Hollow⁵ on December 25, 1847, the political affairs of the people were considered. Following the theocratic pattern, "the congregation voted that the High Council on the east side of the river have all municipal power given to them by this people, and that the Bishop's courts have authority as civil magistrates among

³Joseph Smith organized a "special council" on March 11, 1844, which was usually called the General Council or the Council of Fifty. Its immediate purpose was to assist in locating the Saints in the West and to determine the policy to pursue in maintaining the individual rights of the Mormons. Ultimately, this council was to be the legislature of the Kingdom of God, a temporal kingdom to be clothed with sovereignty and rule politically on earth. For a more detailed account of this interesting theocratic period, see the author's "Theory and Practice of Church and State During the Brigham Young Era," *Brigham Young University Studies*, III(1960), 33-55.

⁴Journal History of the Church, Ms., November 14, 1847. This manuscript history, compiled by Andrew Jensen, assistant Church historian, under the direction of the Church historian, is located in the Church Historian's Office in Salt Lake City, and hereafter will be cited as JH.

⁵The western settlement in Iowa was known as Miller's Hollow until the conference of April 8, 1848, when a motion to change the name to Kanessville, in honor of Thomas L. Kane, was approved. The name was subsequently changed to Council Bluffs.



Council Bluffs and Missouri River

the people, until the laws of Iowa are extended over us.”⁶ They also appointed a committee to investigate the laws of Iowa and ascertain what steps would be necessary to organize a county. Until civil government could be achieved, the Church assumed functions characteristic of the state, enacting and executing laws, bringing violators to justice in the ecclesiastical courts, appointing the needed officers, and pragmatically meeting the civic needs of the people.

At a meeting in the log tabernacle on Sunday, January 16, 1848, a petition was read to the congregation praying for a county organization. The petition was adopted, and Andrew Perkins and Henry W. Miller were appointed delegates to the Iowa legislature to present it.⁷ When the delegates arrived at the capitol, they found that the legislature had adjourned but that provision had been made for the organization of the Pottawattamie lands into a county. They also learned that Judge Carrolton had appointed a Mr. William S. (Buck) Townsend to be the organizing sheriff for Pottawattamie County.

Mormon Vote Solicited

It appears that both political parties in Iowa were nearly evenly divided and each solicitous about the welfare of the Mormons, whose votes they wanted at the next August election. Buck Townsend, a Democrat, explained in a letter to Brigham Young his refusal to organize the county, because the legislature had voted against a proposal to give the area a representative in the legislature—stating that the bill was killed by the Whigs on strictly party lines.⁸ The alternative for the Mormons, which Townsend recommended, would be to organize a precinct by petitioning Monroe County and in this way have the officers necessary to preserve the peace, even though they would not have a representative in the state legislature.⁹ Whether or not the Democrats had political purposes for the delay in the organization of the county at this time is difficult to determine. It later appears that the organization of the county depended upon

⁶JH, December 25, 1847.

⁷JH, January 16, 1848. Later in the month Daniel H. Wells sent a letter to Brigham Young explaining that the way was prepared by law for a county organization, and that this could be done by decree from the judge of the 4th Judicial District if the “public good” requires it. JH, January 25, 1848.

⁸JH, March 14, 1848.

⁹Previously, Daniel Roberts wrote from Garden Grove to Brigham Young voicing alarm over Buck Townsend’s role in organizing the county, as he considered Townsend to be a disreputable character and a secret enemy of the Mormons. See JH, February 17, 1848.

how the vote would go in the August election. This situation clearly involved the Mormons in the politics of Iowa.

During the first months of 1848, the Whig Party also considered the desirability of the Mormon vote. Sidney Roberts wrote a letter on February 3, 1848, to the Honorable Judge John M. Coleman, chairman of the Whig Central Committee of the State of Iowa, and offered his services, for a fee, to go as a delegate representing the party to the Mormons to solicit their votes in the summer election. He requested that he be appointed as an official delegate with proper credentials, signed by government officers, and with separate recommendations for his friends of both political parties to sign. "I am confident," he concluded, "that if the above proposals are acceded to, I can do a good work of lasting favor to my friends and party politicians, for the benefit of the great cause of freedom."¹⁰

A Whig political meeting was held in Iowa City, the capital of Iowa, on February 29, at which time a committee of three was appointed to draft an address to the Latter-day Saints. "The chair appointed Jesse Bowen, Hugh D. Downey, Esq., and Dr. S. M. Ballard said committee," and instructed the committee to report the results of its work at a meeting the next evening.¹¹ Resulting from the spadework of this political caucus, a stirring appeal for the Mormon vote was sent to Brigham Young on March 18, 1848. It began: "We beg permission to avail ourselves of the agency of W. P. Lyons, Esq., of Iowa City, to put you in possession of a few brief suggestions upon the relations of your sect to the political organization of our state and nation. Acting in the name and on behalf of the Whig Republican Party of Iowa, we appeal to those sentiments which grow out of your relation to society, religion and government."¹² With obvious intent of appealing to the emotions and thus gaining Mormon support in the next election, a long catalog of injustices which had been experienced by the Mormons in Ohio, Missouri, and Illinois was mentioned and the blame laid "to the party who assume the name of democracy, who wear the borrowed garments of the earlier fathers of the Republic: whose power you have assisted to maintain and confirm; who have wooed you with their fascinations for your votes, and when no longer needed for

¹⁰JH, February 3, 1848.

¹¹JH, February 29, 1848.

¹²Letter of the Whig State Executive Committee to the Rev. Brigham Young and Council of the Twelve of Latter-day Saints, March 18, 1848. On file in the Church Historian's Office, Salt Lake City, Utah. See also photostatic insert, pp. 8-10.

Burlington, Iowa, March 18, 1857.

Gentlemen,

We beg permission to avail ourselves of the agency of W. R. Lyons, Esq. of Iowa City, to put you in possession of a few brief suggestions upon the relations of your sect to the political organization of our State and Nation. Acting in the same line, on behalf of the Whig Republican Party of Iowa, we appeal to those sentiments which grow out of your vocation, to society, religion and government. In each of these positions, your interests have been, are now and will continue to be, deeply interested. Who, more than yourselves, have felt the strong hand of social oppression? Who, more than yourselves, have endured the bloody baptism of faith to a system of worship, which, be it insisted, others either with hostility or indifference, do to you the right within, which guides to an immortality beyond the grave? Who, more than yourselves, have been scourged by the ruthless arm of a lawless populace, made mad by zeal and murderous by fanaticism? Under a government founded upon the widest liberty of conscience your school of doctrine has been to you the badge of infamy and the ban of outlawry. To your past history no recurrence need be made. To yourselves the memorials are fresh. From your earlier persecutions, in the State of Ohio, through the deeper and darker tragedy, in Missouri to the gross consummation of wrong, at Nauvoo, you need nothing suggestive to your memories. The fire and slaughter with which you were ~~persecuted~~ hunted from Missouri was more than paralleled by the darker atrocity of your final expulsion from Illinois. In whose hands, gentlemen, were the civil and military administrations of those three States, when the protecting arm of the law withdrew, for yourselves, the exterminating sword? To whom did you appeal for that power which smites the meanest and most wretched from outrage? Whose ears were deaf to the

Letter to Brigham Young from Whig Executive Committee

pleas of age, infancy and womanhood imploring the interposition of law and its sanctions against murder, violation and the horrors of famine, nakedness and death by the wayside? The answer is your own. To the party who assume the name of democracy, who wear the ~~harmful~~^{worried} garments of the earlier Fathers of the Republic; whose power you have assisted to maintain and confirm; who have wooed you with their fascinations for your votes, and when no longer needed for their purposes, have violated the sacred covenant which exists between the Governor and governed, and have thrust you, at the point of the bayonet, from the pale of society, and left you, plundered of your property, to wrestle with want and winter, disease and war, accumulated and aggravated by bowed spirits and broken hearts.

To you the reality needs no aid from language. But in such discipline as this the lessons of wisdom are learned, and happy will it be for you, gentlemen, and for your race, if your future course shall be guided by the teachings of the past.

The indications of a change in our National Administration are almost the assurance of a positive certainty. The friends of an honest and faithful execution of our Administration are rallied around a Chief of fame, who unites in his person the qualities of the soldier and the statesman, dignified and adorned by the simplicity of the sage and the sincerity of the patriot. To the laurels of the fields, on Palo Alto, Monterey, and Buena Vista, the suffrages of the people will add the civic honors of the Chief Magistracy of our Republic. In the course of events, as now foreshadowed to us, Genl. Zachary Taylor will be the next President of the United States; so you in common with the rest of the nation, the event will be unsuspicious of better things. Gathering together, as you now are, to another City of Refuge, you cannot close your eyes to the influences which are to affect your fortunes from such an event. We invite you to join with us in this work of revolution and renovation. We bespeak

Letter to Brigham Young from Whig Executive Committee,
Continued

your full cooperation in the action which is to transfer the truncheon of power to newer and purer hands. Lend us the helping hand of fellow-citizenship to purge the corruption and purify the abuses of ~~power~~ a party who have trampled upon the liberty of life and the liberty of thought. Smanting under the buffetings of their banded mobs, scouted from human sympathy by their lawless violence, turn from these associations to those who have pledged to you no faith which they have not kept, beguiled you with no pledges made only to be broken. We solicit, in the name of the Whig Party in the State a concert of action with us in the State and National elections now soon to ensue, and we point you to the Conservative Principles of our party for the policy which shall guide the rulers of our choice. We need not guarantee to you our personal veracity, that the demands of justice shall be satisfied and the oppression of the strong man be stayed.

The bearer, Mr W. P. Lyons, is charged with the delivery of this communication. He carries with him, also, duplicates of Resolutions and an Address, passed at a meeting of the Whigs of Johnson County, and also a private letter of the Hon. J. M. Coleman to the Rev. Brigham Young. As the expression of the Whig sentiments of Johnson County, we commend them to your reading and thought. Without endorsing fully the tone and expressions of the Address, we give a full assent to its general scope and intention.

Wishing your gentlemen the blessing of freedom to worship God under the broad protection of our Constitution, administered by conscientious hands, with all of that happiness which is with each of us a purpose and pursuit,

We remain, most truly, your friends,

Pity Henry Warren

Everett Cook,

John M. Coleman,

Mr. Mobley,

Edward Wilson,

Whig State Executive Committee

To the Rev. Brigham Young
and Council of the Twelve
of Latter Day Saints.

Letter to Brigham Young from Whig Executive Committee,
Continued

their purposes, have violated the sacred covenant which exists between the Governor and Governed, and have thrust you, at the point of the bayonet, from the pale of society, and left you, plundered of your property, to wrestle with want and winter, disease and woe, accumulated and aggravated by bowed spirits and broken hearts."

Trusting that the Mormons had learned their political lesson, albeit a costly one, the letter appealed for Mormon support for the "soldier and statesman," the hero of "Palo Alto, Monterey, and Buena Vista," Zachary Taylor, for President of the United States. "We solicit, in the name of the Whig Party in the State, a concert of action with us in the State and National elections now soon to ensue, and we point you to the conservative principles of our party for the policy which shall guide the rulers of our choice." In turn the Mormons were promised aid in settling in their new "City of Refuge" and that the "demands of justice shall be satisfied and the oppression of the strong man be stayed."

Accompanying the general letter was a private one to Brigham Young and others from John M. Coleman outlining the needs of the Mormons in the Rocky Mountains. Coleman suggested that the assistance and friendly disposition of the national government were among the Mormons' prime necessities, which, according to the letter, could be assured by the election of presidential candidate Zachary Taylor and Whig representatives to Congress.¹³ It appears that in addition to these letters proffering general aid to the Mormons for their vote, more specific offers of money and influence were tendered in exchange for Whig votes in the August and November elections.

Mormon Political Caucus

A council meeting was held at the recorder's office at Winter Quarters, at which President Brigham Young, Heber C. Kimball, Willard Richards, Wilford Woodruff, Charles Bird, Hosea Stout, Wm. J. Earl, Thomas Bullock, Robert L. Campbell and others were present. "Sidney Roberts, delegate from the Whig convention in Iowa City, presented some papers which were read. Roberts said that the Whigs pledged themselves to carry out any proposition, that the Latter-day Saints might present; they were anxious to obtain the votes of the Saints which seemed necessary both in election of State as well as Federal officers;

¹³JH, March 27, 1848.

the Whigs desired the views of the Saints and were also willing to contribute to the wants of the poor."¹⁴ There apparently was not unity in this gathering as Heber Kimball said "that he had about as much confidence in the Loco Focos as the Whigs."¹⁵ Brigham Young remarked that "the Whigs were the leaders in driving the Saints from Illinois; if he was to consult his own feelings he would vote for good men, independent of party lines." After some discussion the council voted to have a meeting in the log tabernacle on the east side of the Missouri River, the following Monday.¹⁶ A confidential letter signed by the Presidency of the Church was sent to Orson Hyde, George A. Smith, and the High Council who were the presiding Church officials in Miller's Hollow in Iowa, relative to the Monday meeting: "You will therefore please notify such other principal men as you may see fit and proper to invite; none others are to be admitted. Brother Roberts will be there and will present his papers and give such information in the case as may be needed."¹⁷

The political caucus met in the log tabernacle at 12:40 p.m. on Monday, March 27, 1848. The most prominent Mormons in the area were present. Sidney Roberts presented his credentials; his colleague, Winsor P. Lyons, through feeble health, was unable to be present, but forwarded his papers from St. Louis by Edwin D. Woolley. Roberts presented the address prepared for the Saints and explained that the Whig appeal resulted from the understanding that the "greedy cormorants of Loco Focoism" were attempting to obtain the Mormon vote. He said that the Whigs would assure the Mormons their religious rights "with all other immunities rightfully belonging to every citizen in the land."¹⁸

After a few short speeches, a committee of six, including Orson Hyde, was appointed to make out a report and to send such answer as they thought proper. A long resolution, which had been previously prepared by Willard Richards, listed the many grievances which the Mormons had experienced in Missouri and Illinois, including the withholding of protection not only by the Democratic governors of these states, but also by such national leaders as Martin Van Buren, John C. Calhoun, Henry

¹⁴JH, March 24, 1848.

¹⁵The Democratic Party was frequently referred to as the Loco Foco Party or Locofocos in Iowa and other western areas during this period.

¹⁶JH, March 24, 1848.

¹⁷*Ibid*

¹⁸JH, March 27, 1848.



Entrance to Kaneshville (Council Bluffs)

Clay, and others, most of whom were leaders in the Democratic Party. The resolution concluded:

Whereas the Saints have fulfilled all their pledges and are under obligation to no party, only so far as good citizens are under obligation to each other: and,

Whereas we consider it no more than an act of justice to the Whig party to give them an opportunity of proving themselves true or false,

Therefore: in consideration, that the Whigs of Iowa will lift their hands toward heaven, and swear by the Eternal Gods, before the Holy Angels, that they will use all their powers to suppress mobocracy, insurrection, rebellion and violence, in whatever form or from whatever source they may arise against the Latter-day Saints, and the citizens of Iowa, even to the sacrifice of all their property, and their lives if need be; and that they will give to the Saints their full share in the choice of county, District, and State Officers, viz.: Two Representatives and one Senator in the State Legislature, one supreme judge in the State of Iowa, etc., and that they will stand by and support our representatives and senator and all our officers in happiness, and general and particular welfare of the citizens of Iowa: and that they will furnish all means necessary for the printing and publishing of the subject matter before us:

Resolved: in special Caucus of many of the prominent members of the Church of Latter-day Saints, Orson Hyde, Chairman, Evan M. Greene, Secretary, and

Convened at the Log Tabernacle, Pottawattamie county, Iowa, 27th day of March, 1848, and in the presence of the Rev. Sidney Roberts, the Whig Delegate,

That we respond to the communication of the Whigs of Iowa, as presented by Mr. Roberts.

*That we unite our votes with the Whigs of Iowa at the elections of the current year. . . .*¹⁹

In the evening of the same day, Brigham Young rode down to Council Point, which was located a few miles south of Miller's Hollow on the Missouri River, and met in another council meeting with Church leaders located there. The same preamble and resolutions were adopted. Several Church leaders gave animated speeches relative to the political troubles of the Saints and they requested support for the Whig cause.²⁰

Reflecting on these developments, Brigham Young recorded in his history that when men have looked upon the Saints "with eyes undimmed by party interest, and written about us with pens unshackled by popular prejudice, they have readily admitted that we were an industrious, innocent, persecuted people. . . ." He continued, however, with a note of skepticism: "And although

¹⁹JH, March 27, 1848. Italics supplied.

²⁰*Ibid.*

to us it looked rather suspicious, that the Whigs of Iowa should at this peculiar juncture become deeply interested in our welfare, and all of a sudden grow warm and eloquent upon the subject of our expulsion from Missouri, and the martyrdom of our Prophet and Patriarch, Joseph and Hyrum Smith, and the unparalleled suffering we had endured in our boasted land of freedom; still the caucus concluded to reply to the communications of the Whigs [and] unite their votes with the Whigs of Iowa at the elections of the current year. . . ."²¹

It is questionable whether the Whigs, not having the same religious inclinations as the Saints, followed the conditions of the resolution to the letter; but, as the events of the summer began to unfold, the political parts of the bargain were gradually fulfilled. William Pickett, a Mormon working for the *Missouri Republican* at that time, certified on June 11 that Winsor Lyons called upon him in St. Louis and told him that the Whig State Central Committee of Iowa had authorized him to expend one hundred dollars for printing paper and other supplies for the use of anyone establishing a paper in Pottawattamie County. Pickett arranged for the materials with a local merchant and had them forwarded to Kanesville by two Mormons who were in St. Louis.²²

The Mormon Vote

Unable to effect a county organization prior to August 7, the date for the election of state and congressional officers, the Mormon settlements in western Iowa located along the Missouri River were attached to Monroe County for election purposes and organized into the Kanesville Precinct. The same action was taken at Pisgah, another Mormon settlement farther east. Monroe County was Democratic, and the party officers were hopeful that the Mormons would vote the Democratic ticket. According to a letter to Brigham Young from William Snow, who presided over the Saints at Council Point, "the Democratic party attached as we was [sic] by an old statute law to the county lying directly east of us organized us into a precinct called Kanesville Precinct, stuck up their notices for an election without our hardly knowing anything about the matter. . . ."²³

²¹Manuscript History of Brigham Young, *Ms*, 1848, p. 24, as found in JH, March 27, 1848.

²²JH, June 11, 1848.

²³JH, October 2, 1848. It appears that William Pickett, who was a Whig in Democratic clothing, was involved in the organization and was probably responsible for the organization of the Kanesville Precinct.

Prior to the election a number of influential Democratic Party members visited the Kanesville Precinct. Buck Townsend arrived but said that his commission to organize the county had run out. "His business," reported George A. Smith and Ezra T. Benson, the two Apostles in Iowa, to Brigham Young, "was as reports say to electioneer for the Democrats; to write tickets for the ignorant Mormons to vote; and to see if Mormon and White Women were alike. He was followed soon after by Mr. Bonny the Democratic candidate for Secretary of State, Dr. Selman a member of the State Senate; and George P. Styles, Esq. formerly of Nauvoo; and a number of other Democratic dignitaries."²⁴

Evan M. Greene, in a letter dated October 7, to his Uncle Brigham Young, described the election developments as follows: "The 7th of August came; the election was held at the Tabernacle; much union of feeling was manifested by the brethren and all was peace and quietude through the entire day; 523 votes were cast at the Kanesville Precinct. There were 7 full Democratic tickets, 25 scattering or mongrel tickets and 491 full Whig tickets, giving Dan Miller 459 majority over Thompson in this precinct."²⁵ James Sloan and William Pickett attempted to deliver the votes to the clerk of Monroe County, but by this time the Democrats were aware of the solid vote against them, and the clerk refused to accept the votes. Changing his tactics, he accepted them, but then claimed subsequently that they had been stolen.

The vote at Pisgah, organized in the same manner as the Kanesville Precinct, was apparently accepted. At the time of the election the Mormons of Garden Grove had not yet received the instructions which Orson Hyde had sent from Nauvoo on July 10 for them to vote the Whig ticket, and they split their vote. George A. Smith said: "I think it was advisable under the circumstances to split the Garden Grove Ticket, but I have taken no part whatever in politics."²⁶

Some of the Mormons were living north of the Kanesville Precinct and could not legally vote in Kanesville, nor did they have a precinct of their own. Whig Party organizers requested

²⁴JH, October 2, 1848. *The Weekly North Western Gazette*, Aug. 2, 1848, registered the Locofoco concern over the Mormon vote going Whig, but concluded the Mormons probably would not vote at the election anyway.

²⁵JH, October 7, 1848. Miller, a Whig, and Thompson, a Democrat, were contestants for the House seat from the First Congressional District of Iowa.

²⁶Minutes of the Garden Grove Branch, *Ms*, in the Church Historian's Office, August 25, 1848. Orson Hyde had gone east in June, presumably to obtain a press, and was not in Iowa at the August election.



Council Bluffs Ferry

that sixty men be taken to the western precinct in Dallas County to vote. George A. Smith explained in a letter to Brigham Young:

A pilot was sent to meet, and guide them out, money to bear their expences and a promise that they should be paid for the extra time spent over what they would have to spend if they had a precinct organized. The thing was proposed to us, and we, thinking it a hurrying time of the year, the brethren would not go on a political call without our influence, said "raise the men if you can" not believing they could accomplish it. The first we knew the men were rigged up and off.

They went to the western precinct in Dallas. Their votes were received as legal and counted 55 in number. They were furnished with groceries, etc. to enable them to return home. They returned without Documents (alias Whig money) but with showers of promises that it should be forthcoming before the November Election. . . . If the Presidency should consider us in fault for suffering the brethren to go down to the election, they would agree with us perfectly; for George A. freely confesses that he lacked the bump of firmness, or he would have stopt the thing before it started, and considered the fault purely his own.²⁷

The *Iowa Sentinel*, a strongly pro-Democratic newspaper, stated that the Whigs imported sixty Mormons into Dallas County, "who all voted the Whig ticket." The news article continued: "They came armed to the teeth. Peter Myres of Ft. Des Moines, a turncoat Democrat was their Captain. The Mormon vote makes it doubtful how the district will go but I think that the Democratic ticket will succeed over Mormons, Independents, corruption fund, defunct *stage drivers doctors* and all."²⁸ The *Burlington State Gazette* confirmed the facts, but not the conclusion: "This vote we may add, elected both the Whig representative from Polk and Marion districts."²⁹

A Fourfold Conflict

The Mormon participation in the August election provoked four major theaters of conflict: a paper war between the Whig and Democratic newspapers in Iowa, an in-Church fight involving Orson Hyde and Almon W. Babbitt, a partisan contest in the state legislature over the proposal to abolish Pottawattamie County, and a bitter contest in Congress over the seat for the First Congressional District of Iowa.

²⁷JH, October 2, 1848.

²⁸*Iowa Sentinel*, August 18, 1848, as found in "Newsclippings from Iowa and Illinois: 1841-1849." Typescript in Special Collections of the Brigham Young University Library, p. 213. Hereafter cited Newsclippings. Italics in original.

²⁹*Ibid.*, p. 209.

The Paper War

The paper war developed into a general controversy throughout all of Iowa, spilling over into Missouri. Barrage after barrage of invectives was hurled at the opposing sides without the restraint that would be expected from the news media of today. It could be expected that the Whig politicians and their press would be indignant about the refusal and then the loss of the Kanesville poll books, for the Whig votes from Kanesville would have elected to Congress Daniel F. Miller, the Whig candidate from the First Congressional District, instead of William Thompson, the Locofoco candidate.

Irate over the developments, the *Davenport Gazette* of August 24 reported: "It appears that the Mormons cast their votes for the Whig ticket, thus electing Miller to Congress and the Whig State Ticket, but before the votes were all counted, the *Ballot boxes were stolen*. What remedy will be found for this unparalleled outrage, if the above be true, we know not, but if the Governor be not as dishonest as the men who stole the ballot boxes he will immediately order another election."³⁰

The Democratic papers parried the charges regarding the stolen poll books with countercharges. They argued that the Mormons were enroute to the Rocky Mountains and that they were not legally entitled to vote in the Iowa elections. Adding to the illegality of the vote, they said, was the fact that some who had voted were aliens, and others were minors who were not of legal age. Coupled with these complaints were charges of corruption and bribery and assertions that the Mormon leadership "sold the Mormon vote for a price." Another claim was that this body of "deluded fanatics" was attempting to control the destinies of Iowa. This controversy became highly emotional; some papers advocated radical action.

Briefly explaining the events and justifying the expulsion of the Mormons from Missouri and Illinois by violence, the *Keokuk Dispatch* offered a similar solution to the problem:

Shall the freemen of Iowa, who appreciate the blessings these enjoy, suffer a set of deluded fanatics, who have spurned our laws passed for their protection, come into our contests, and for a stipulated sum, place their corrupt purchasers in stations which should be filled by none but honorable men?—Nay—God forbid it. Rather let us rise, as one man, and walking over the dead bodies

³⁰*Ibid.*, pp. 202-3. Italics in original.

of the slain, drive the last one beyond the limits, if peaceable means will not suffice.³¹

The *Iowa Sentinel* of September 8 was equally indignant over the Mormon voting and only slightly more moderate in its recommended therapy, charging that it was clearly a case of attempting to control the election in Iowa. The *Sentinel* also referred to the Mormons as deluded fanatics, unpatriotic citizens, thieves, and "pests to society," urging: "The sooner they are disposed of the better it will be for the people, and the less will be the expense for the state. . . ."³²

The *Missouri Republican* added its powerful voice to those of the *Hawkeye*, the *Keokuk Register*, the *Bloomington Herald*, and other Whig papers to refute the countercharges in an article entitled: "The late Locofoco Outrage in Iowa."³³ It stated: "The Locofoco leaders have had the aid and assistance of the Mormon vote, in all elections. They had it when they lived in Ohio, in Missouri, Illinois and Iowa." The article charged that the Locofocos did not object to the Mormon vote when it served their purposes, even accepting it in Iowa in acquiring statehood, but that when the Democratic Party could no longer hold the Mormon vote, it became illegal. It charged that the delay in organizing Pottawattamie County was purposely designed by the Democrats until there was sufficient assurance that the Mormons "would vote the Locofoco ticket." Caustically denying any connection with the charges of Whig bribery, the *Republican* article continued: "The *Iowa State Gazette*—a paper that never utters the truth when a lie will suit its purpose—thus endeavors to connect the proprietors of the *Republican* with a ridiculous charge of an attempt to bribe the Mormons." William Pickett, who had been an employee of the *Republican*, was thought to be involved as a go-between in this alleged bribery.

Hyde-Babbitt Controversy

The bitter "paper war" was paralleled with an equally bitter in-Church fight between Orson Hyde and Almon W. Babbitt. The third major participant in the controversy, William Pickett, was presumed to be a Democrat, but actually assisted the Whigs. Hyde, who was one of the Twelve Apostles of the Church and the presiding officer over the Saints in Iowa after

³¹Newsclippings, p. 269.

³²Newsclippings, pp. 224-37.

³³August 30, 1848, as found in JH, August 30, 1848.



Orson Hyde

Brigham Young removed permanently in 1848 to the Mormon mecca in the Great Basin, was in a strategic position to influence the Mormon vote along the pro-Whig line laid down in the pre-election political caucus of March 27. Babbitt, who was a Seventy in the Church and charged with the disposal of Church properties in Illinois, was a Democrat but a political opportunist, and was in a position of influence in the Church. Pickett had worked as a journeyman printer in the office of the *Republican*, but preceding the election in Iowa was with Babbitt. At that time he told George A. Smith of the Church presidency in Iowa that "Babbitt's business out was to see whether the vote here would be Democratic in case of an organization. If so he [Pickett] would be appointed an organizing sheriff, as Babbitt considered him a Democrat of the purest water."³⁴

When Orson Hyde went east in June to obtain a press for the Saints while they tarried in western Iowa, the Whigs had already supplied a small sum of money for printing paper and other supplies and apparently some money for electioneering purposes in the Kanesville region. Babbitt accompanied Hyde to Burlington, where Hyde obtained letters of introduction, principally from Fitz Henry Warren of the Whig Executive Committee, to Whig political leaders, *eg.*, Truman Smith, in Washington. Hyde, in a letter to Heber C. Kimball, explained the interchange which took place between Babbitt and himself: "Babbitt afterwards saw the outside of the letters, but not the inside. I requested him to say nothing about them, lest evil should be attributed to me and to my friends who had done no evil, neither anything dishonorable. He faithfully promised me . . . that he would say nothing. He asked me if I thought I should succeed. I told him I believed I should. He says to me, if you will give General Cass your influence, I will engage you a press on the spot. I told him that General Taylor was my man. I should go for him, press or no press."³⁵ Explaining his reasons for this position, Hyde continued: "Having learned that Tom Benton was to be the next president, after Cass, if the Democrats continued in power, and knowing Benton to be a Mormon cater, I felt disposed to head off, if possible, such a reign of terror as that would bring about."

³⁴JH, October 2, 1848. It was generally understood among the Mormons that Babbitt would be appointed to a significant federal position in the West, if the Mormons voted the Democratic ticket.

³⁵JH, April 5, 1849.

Orson Hyde sent the following letter of political instructions to George A. Smith concerning the August election, which no doubt made Babbitt more convinced of an alliance of the Whigs and the Mormons and aggravated the Babbitt-Hyde controversy:

I have come to the conclusion that it will be for our interests and for the interests of the country to vote the Whig Ticket generally. You had better say nothing about this except to a few leading men among us until about the time of the election; then make your rally. The Whigs can certainly do no worse for us than the Democrats have done, and they may do better. I think it best that we try them once at least. Should the Democrats retain the ascendancy, Col. Fremont will probably be made the Governor of California and the Great Basin of Salt Lake. This will bring our people in the valley under Mr. Thomas H. Benton's thumb. Col. Fremont is his thumb. They are both Mormon-eaters. They think we are trespassers upon God's footstool, and mistook our road in coming into this world, and they might be pleased to send us on the back track.

Wherever there is an organization of any sort in Pottawatamie County, rally all the votes you consistently can to sustain the above ticket. We have some Democrats that will go that side of the house at all hazards most likely. Well, let them go, but the mass of the people will abide my counsel and vote your ticket.³⁶

A second letter, intended for general circulation in the Church, contained the following: "It has seemed good to me, your Brother and companion in tribulation, and counsellor in the Church of God, to advise and request you to cast your votes at the ensuing election for the Whig candidates for office. The letter is placed in the hands of Col. Charles F. Warren, who will give you, or cause it to be done, all necessary information how and where to act."³⁷ Both letters arrived in Kanesville unsealed, and the second letter was printed in a number of the opposition newspapers. The *Keokuk Dispatch* printed the letter, capitalizing the "how and where to act," then charged: "This letter was written on the eve of his departure for Washington, where it is supposed, he was to receive one thousand dollars, a part of the consideration. To prove the actual bargain, its stipulations, etc., by witnesses who were present, is not to be expected on such occasions, but no man of ordinary reason will, after reading that letter, which was read to the multitude, doubt that the corrupt bargain was made."³⁸

Hyde complained: "But my back was only just turned from Babbitt before he told that I had got a check on Washington

³⁶JH, October 2, 1848.

³⁷JH, October 2, 1848.

³⁸August 26, 1848, as found in Newsclippings, pp. 270, 71.

for a thousand dollars to get a printing press with, as the price for the Mormon votes."³⁹ Hyde asserted that the only person who offered him a bribe was Babbitt himself, if he would use his influence for Cass instead of Taylor. Hyde further charged that Babbitt had reputedly said in St. Louis that he had been offered a thousand dollars or more if he would go up to Pottawattamie County and neutralize or split the vote. Hyde intimated that General A. C. Dodge had made the offer. This was later vehemently denied by Dodge, and the responsibility was placed on the fabrication of William Pickett, who was either Babbitt's confidant or a liar as charged.⁴⁰

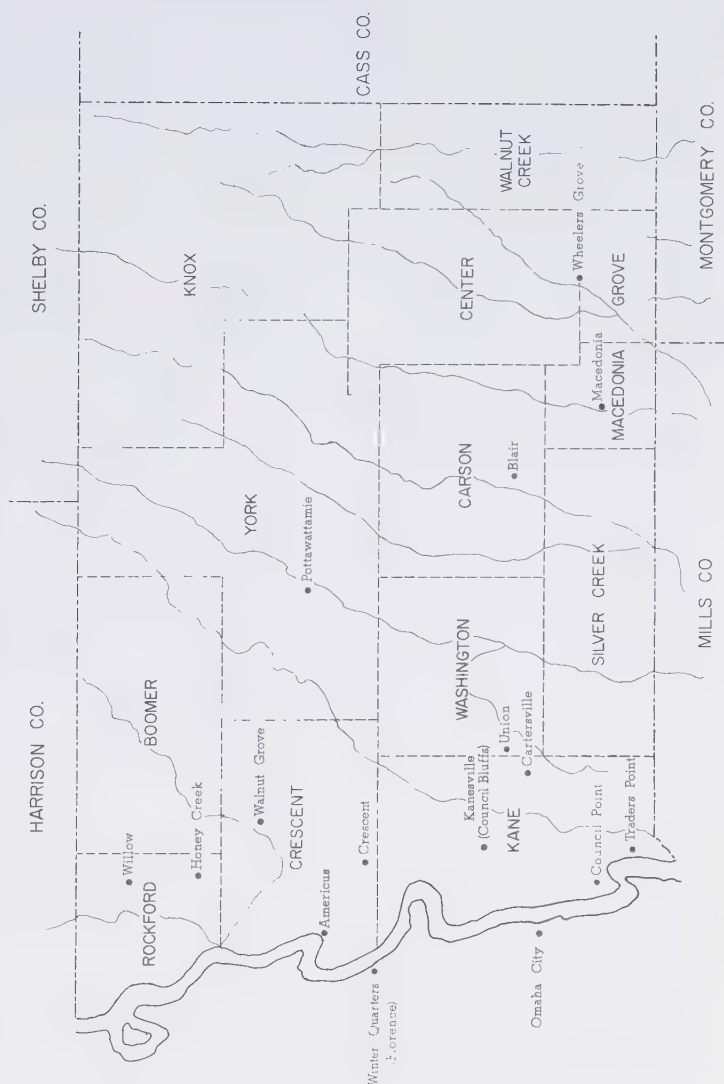
This controversy soon subsided somewhat. After the August election, William Pickett in extra-legal fashion had himself appointed organizing sheriff for Pottawattamie County. This came about after Pickett had gone to Judge Carrolton and received appointment as organizing sheriff, but when he presented himself to the clerk of Polk County, the clerk resigned his office in order to block the organization. Pickett filed his bond in the district clerk's office with the deputy after having taken the oath of office before a notary public. Fearing that exception would be taken to this action, he went to Dallas County and qualified himself according to the provisions of the general statute. The county was organized on September 21, 1848, and county officers were elected from among the leading Mormons in the community, which meant the Mormons would be able to vote in the presidential election in November under their own supervision. Democrats challenged this organization. They asserted that Pickett had not legally qualified himself and also that insufficient time had elapsed between the organization and the election. Orson Hyde, in the heat of this controversy, also weakened and offered to release the Mormons to vote as they pleased without any counsel from him.

As the November election approached, however, the political winds fanned the sparks of controversy to the point that it erupted once again in a heated blaze. On October 5 Babbitt wrote a letter to the Saints from Nauvoo advising them to split their vote in the November election. In letters to the *Missouri Republican* in the earlier phase of the controversy, Hyde had

³⁹III, April 5, 1849. See *Keokuk Dispatch*, Sept. 16, 1848, for a detailed account.

⁴⁰See the *Iowa Sentinel*, September 15, 1848, for an extensive coverage of the charges and countercharges of Babbitt, Dodge, and Pickett, as found in Newsclippings, pp. 241-250.

Precincts of Pottawattamie County, 1851



L. Kinsman

Pottawattamie County, 1851

explained his position, denying any corruption or unhallowed bargain. In October he sent a letter to the *Hawkeye* in order to vindicate his position in the August election. To this, Babbitt maliciously replied in a letter of October 23, 1848, to the *Iowa Statesman*. Charging that Hyde had not told the whole truth in his earlier letters to the *Missouri Republican*, he said: "Mr. Hyde has a style peculiar to himself in writing upon these subjects and turns many nice points with some anecdote in order to divert the mind from the point, which forcibly reminds me of the Ink, or Cuttle Fish, who, when closely pursued, throws out of his mouth so much fog and offensive matter that he evades pursuit, and in this way makes his escape."⁴¹ "But Mr. Hyde announces himself a Whig," Babbitt continued, "has no set notions, has never voted but once in his life, knows little or nothing about Federal or State policy, yet he assumes the responsibility of influencing a whole community; and lest he should betray ignorance as their guide, he directs them to a political knave to counsel them 'when and where to act.' " Further charges of political incompetence were directed at Hyde and General Zachary Taylor, and a caustic climax was reached when he complained: "Is it not astonishing to see the desperation of the Whig disciples in their struggle for political power; no stone is left unturned, no means too holy to be used, no altar too sacred to burn their political fire, the sacerdotal tunic must be laid aside, the smutty garments of party must clothe the minister of the altar, his influence cannot be dispensed with, heaven, and earth, must unite their influence or their party fails." Finally, Babbitt charged that the most sacred of all human rights were being prostrated at the "shrine of religious despots."⁴²

The Democratic newspapers, resuming the fight against the Mormon vote, based their charges on illegality. First, they asserted that the Mormons in Iowa were only transients; second,

⁴¹Letter reprinted in the *Keokuk Dispatch*, November 2, 1848, as found in Newsclippings, pp. 285-88.

⁴²This diatribe against Orson Hyde did not appreciably influence the November election but it did cost Babbitt his fellowship in the Church. At a conference of Seventies (a division of the priesthood), held in the log tabernacle on November 19, 1848, Babbitt was disfellowshipped for having slandered Orson Hyde and the Saints in Pottawattamie County generally. See JH, November 19, 1848. In a letter of July 19, 1849, Brigham Young instructed Orson Hyde that this fighting within the Church must stop, as Young considered the priesthood of God more important than the politics of nations. Babbitt was reinstated in the Church by Brigham Young in 1849, selected as the delegate from the *de facto* State of Deseret, and sent to Washington to assist Dr. John M. Bernhisel in obtaining statehood for this Mormon "empire." Brigham Young indicated that it might be politically advantageous to continue the appearance of political fighting, which would allow Babbitt to use his influence with the Democrats and Hyde and Bernhisel to use theirs with the Administration. See Letter of Brigham Young to Orson Hyde, July 19, 1849, on file in the Church Historian's Office.

they maintained that the organization of Pottawattamie County was effected in an illegal way. But this did not deter the Mormons from voting in the presidential election. The solidarity of the Whig vote was unshaken, for apparently only forty-two Democratic votes were cast of a total of over five hundred.⁴³

Conflict in the State Legislature

The solidarity of the Mormon vote, however, provoked a partisan fight within the state legislature of Iowa. The 1848 elections brought to the presidency of the United States Zachary Taylor, the Whig candidate, whom the Mormons had supported; but the entire Democratic slate of state executive officers was elected, and the Whigs were in the minority in the state legislature. James Sloan arrived in Iowa City in December to present to the Secretary of State the fact that the county was now organized, only to find a bill before the legislature proposing to abolish the county. In presenting a remonstrance over this action to the Senate on December 19, 1848, he indicated that between four and five thousand people resided in the county, and they needed the organization for judicial, electoral, policing, and other civil functions.⁴⁴

The *Iowa Capitol Reporter* recorded: "A bill repealing all acts providing for the organization of Pottawattamie County has past the House and lies on the table in the Senate, from whence it will probably be taken and finally passed on tomorrow. The bill has furnished subject for animated discussion in both branches of the General Assembly. And not only in the Legislature of Iowa has this subject been discussed."⁴⁵

The *Iowa Sentinel*, supporting the state legislature in the abolition of the county, considered that such an action would render a great service to the state, as this course would save a "world of trouble and expense . . . besides the disgrace of being compelled, to drive them out at some future day. . . ."⁴⁶

The Mormons could feel the tense situation approaching mob action. George A. Smith and Ezra T. Benson, who were preparing to go to Salt Lake Valley the following spring, sent a letter to Orson Pratt in England registering this feeling: "It is

⁴³*Frontier Guardian*, April 4, 1849. This was mentioned in Senator Springer's speech before the state legislature. See also a letter of Orson Hyde to Orson Pratt, JH, December 11, 1848.

⁴⁴*Frontier Guardian*, April 4, 1849.

⁴⁵*Iowa Sentinel*, January 5, 1849, as found in Newsclippings, p. 375. Other measures proposed to exclude Pottawattamie County from all participation in the election of a member of Congress, and to exclude the county from any judicial district, as well as to disorganize the county.

⁴⁶January 12, 1849, quoted from Newsclippings, p. 376.

our wish to leave Pottowattamie County for the mountains in the spring with our families, as we do not feel ourselves safe in our present condition, within the jurisdiction of mob laws, and mob officers to rule us; and as soon as we get our families situated in the great basin, we shall hold ourselves ready to come here or where council may direct for the building of Zion."⁴⁷

It was in the state senate that this issue reached a tense climax. Recording the speech of the Honorable Francis Springer, of Louisa and Washington counties, the *Bloomington Herald* classed it among the great speeches of the nation, and hailed the senator as a noble champion of the minority party in the state.⁴⁸ Springer moved to amend the bill which would disorganize the Pottawattamie County. In support of his proposal, which was designed to kill the bill, the senator questioned the right of the legislature to destroy the county and stirringly appealed to the Declaration of Independence, the Constitution of the United States, and the Constitution and Bill of Rights of the State of Iowa for his arguments. He charged that the dominant party, on the basis of partisanship, was prepared to deny the Mormons the basic rights to which all citizens were entitled and the rights which even aliens held under the constitutions of the nation and the state. Claiming that the Bill of Rights of Iowa protects all groups in their religious beliefs, Springer concluded: "Sir, it cannot be disguised that the vote of this county, at the August and November elections, is the spring board from which this measure has leaped into existence. This is the head and front of their offending." Constitutionally, Springer concluded, the proposed action of the state legislature could not stand.

"There is another great question involving in this measure, and which demands our consideration, even if there were no constitutional objections against the passage of this bill," he continued. "It is the nature of the consequences following from the act itself. They are evidently against public policy and public morals—and being so would constrain our courts to declare it void."

In addition to the constitutional and moral criticisms of the act, Springer spoke emotionally against the expressions of mob

⁴⁷JH, December 20, 1848.

⁴⁸January 13, 1849, as found in Newsclippings, pp. 323-338.

violence by state senators. Mr. Selman, the president of the Senate, had made a vituperative speech against the Saints and had expressed a willingness to lead a mob and drive the Mormons from the state "by the hand of violence." Springer replied: "But as much as I abhor mob violence, as much as I detest it in all its forms and features, I would prefer a thousand times over that the inhabitants of this county, natives and foreigners, Mormons, Methodists, and Baptists, whigs and democrats, (for it seems there were forty-two voted that ticket at the November election) should be driven from the State by mob violence, than that Iowa should be disgraced by the infamy of this act."

Springer felt that the act would be the undoing of the Democratic Party in Iowa if it were pushed through. To disfranchise the settlers in Pottawattamie County, to reduce it to a condition of anarchy, and to exile the residents or banish them from the state for the reason that they voted the Whig ticket would place a mark of infamy upon the state. He compared the proposed action with the Spanish Inquisition and the British Star Chamber. "Pass this bill and your paltry majority of 1500 will melt before an indignant public opinion like the mists of the morning before the effulgence of the sun." Springer concluded: "In the language of the Senator of the United States, it will sink your party 'to an infamy so deep—a damnation so profound, the hand of resurrection can never reach it.' "

The Democrats were not intimidated by the prospects predicted by Senator Springer. "To the very last hour, the Democracy strove to pass the Pottawattamie bill. But a motion to suspend a rule required three-fourths of the members present, and the Senate stood, ten Democrats to four Whigs. . . ."⁴⁹ The bill had passed the House, and one more vote would have carried it through the Senate. The county organization was not upset and continued during the remaining sojourn of the Saints in Iowa.

Contested Congressional Seat

The fourth area of conflict was in Washington, D.C., during the first session of the Thirty-first Congress. It resulted from the Mormon participation in the August election of 1848. In the contest for the First Congressional District, William Thompson,

⁴⁹JH, March 31, 1849. In the annals of the Mormons the four Whigs—Springer, Cook, Wright and Sprout—have been spoken of kindly, as special heroes during a tense period of Mormon-state relations in the frontier politics of Iowa.

the incumbent Democrat, was opposed by the Whig, Daniel F. Miller. The election was extremely close, and the vote of the Kanesville Precinct, if counted, would have elected Miller. The lost-poll-books affair became the issue in the contest of the seat held by Thompson. Miller had obtained duplicate records of the vote in Kanesville and prepared to support his claim to the House seat. The Democrats had won the election in the state and certified the election of Thompson.

When the new session of the Thirty-first Congress met in December of 1849, Mr. Baker, a Whig representative from Illinois, presented the memorial of Miller contesting the right of Thompson to a seat in the House. This memorial was turned over to the Committee on Elections for consideration.⁵⁰ The Committee on Elections reported a resolution on the contested seat on January 23, 1850, permitting both parties to take depositions in Pottawattamie County and seal them up to be delivered to the Speaker of the House.⁵¹ This touched off a heated partisan debate in the House. The crux of the situation, however, was succinctly stated by Mr. John A. McClernand, a Democrat of Illinois: "The poll in Kanesville precinct, attached to Monroe County, was excluded from the count, whereby the result was shown to be in Mr. Thompson's favor; whereas, otherwise it would have been in the contestant's favor. Thus the election turned upon this precinct."⁵² McClernand's partisanship soon emerged, however, and he challenged the legality of the Mormon vote and commended the clerk of Monroe County in refusing to accept the votes.

In the taking of depositions in the summer of 1850 a bizarre event occurred which clarifies much of the confusion about the August, 1848, election. Mr. Miller and two associates were in the office of Judge Mason, counsel for Mr. Thompson, concerning the taking of depositions in Pottawattamie County. The judge handed Miller some papers, and among them were the lost poll books! When charged with the fact that they were the poll books, the judge did not deny it, but said that he had come by them honorably. The poll books were examined and pronounced as the Kanesville Precinct votes by Miller; then they were returned to Judge Mason. The *Burlington Hawkeye* entitled an article of February 22, 1850: "More of the Stolen Poll Books!—The

⁵⁰*Congressional Globe*, 31st Cong., 1st Sess., XXI, 89.

⁵¹*Ibid.*, p. 214.

⁵²*Ibid.*, p. 216.

Thieving Exposed—The Indignation of the Community Aroused.”⁵³

As the Whig newspapers made political capital of this unexpected development, the actual events concerning the poll books were gradually released by the supporters of Thompson, but these facts were colored to make it appear as though the whole event was honorable. Mr. J. C. Hall, who at the time when he sent a letter of explanation to the *Frontier Guardian* was taking depositions for Mr. Thompson, was at the county clerk's office at the time of the refusal of the votes. Whether he actually took the poll books or not is not clear.⁵⁴ He admitted that he advised that they should be preserved in case there was a contest over the election. He did at some time obtain possession of them, however, and subsequently gave them to Mr. Thompson, who had them in Washington but did not allow this to become public information.

The final decision on the contested election was to be decided by the House itself. When the Committee on Elections reported, Mr. William Strong from Pennsylvania, the chairman, tried to impress the House with the seriousness of the decisions involved; he suggested that they must act judicially in determining the legality of the votes cast and decide who was properly elected as a result. But the partisanship which was evident from the beginning of the issue was openly pointed up when Mr. Joseph E. McDonald “expressed his regret that it had become too much the practice to suffer party feelings to influence us when called on to decide cases of this character.”⁵⁵ A forceful minority report from the Committee on Elections pointed out that a majority in the committee favored the acceptance of the Kanesville vote, yet the committee recommended that Thompson retain his seat in the House!

Mr. Edward W. McGaughey had a heated exchange with the seated Representative from Iowa, Mr. Thompson, and probed deeply into the stolen poll-books episode. Charging that Thompson purposely kept the existence of the poll books a secret to retain his seat, he said: “I allege, that if the sitting member had been fairly elected, it would still be the duty of every honorable man, on this floor, to expel him from his conduct in this matter. . . .

⁵³*Frontier Guardian*, March 20, 1850. See also the speech of Representative Edward W. McGaughey of Indiana in *Congressional Globe*, 31st Cong., 1st Sess., XXI, 1300.

⁵⁴*Frontier Guardian*, April 3, 1850.

⁵⁵*Congressional Globe*, 31st Cong., 1st Sess., XXI, 1294.

The sitting member should have returned the pollbook to the clerk immediately."⁵⁶

It was inevitable that the heated debate would shift from partisan politics to bigoted religious controversy. Mr. Sheppard Lefler, Representative from the Second Congressional District in Iowa, maligned the character of the Mormons, only to be opposed by other House members who asserted that his conduct was improper.⁵⁷

After considerable turgid debate, a motion was proposed that William Thompson should continue as the properly seated Representative from Iowa. An amendment was finally admitted which resolved that "Daniel F. Miller is entitled to a seat in this House as the Representative from the first congressional district of Iowa."⁵⁸ The vote on the amendment was taken first. "The speaker then announced the vote. Yeas 95, nays 94 and added, the Chair votes in the negative: so the amendment is not agreed to."⁵⁹ Parliamentary tactics—motions to adjourn, to table the subject, and so on—were employed to frustrate the objectives of the Whig opposition. The *Congressional Globe* records that "great disorder" ensued.

Attempts to adjourn the House to Monday, July 1, failed, and Saturday, June 29, found the House sitting again with even greater confusion and excitement. Mr. McGaughey gained the floor and proposed a resolution, but the noise in the room was so great that the clerks could not hear the motion. When a semblance of order had been achieved, the following resolution was read:

Resolved, that a vacancy exists in the representation in this House from the first congressional district of the State of Iowa and that the Speaker be requested to notify the Governor of said State thereof.⁶⁰

After more parliamentary maneuvering and some heated exchanges, the House voted on the above resolution, which car-

⁵⁶*Ibid.*, p. 1300

⁵⁷This session of Congress was highly volatile because of the mounting sectional tensions over the extension of slavery into the newly acquired territory from Mexico following the Mexican War and the treaty of Guadalupe-Hidalgo. President Taylor offered little or no stabilization to the Congressional conflicts. In a message to Congress he simply advised the body to avoid "exciting topics of sectional character"—this at a time when senators carried Bowie knives and Colt revolvers, and Washington newspapermen seriously discussed the possibility of bloody violence in the House! The partisan battle over the contested seat from Iowa was not an exception to the rule of conduct in Congress during this dramatic year of 1850.

⁵⁸*Congressional Globe*, 31st Cong., 1st Sess., XXI, 1311.

⁵⁹*Ibid.*

⁶⁰*Ibid.*, p. 1315.

ried, creating a vacancy in the First Congressional District in Iowa.

When the House of Representatives washed their hands of the disputed election, the people in Iowa were preparing for the August elections of 1850. In Pottawattamie County the Mormons were being stirred to political action by the *Frontier Guardian*, the press edited by Orson Hyde, which had championed the Whig cause since its first number. The Mormons in the county elections in 1849 had voted unitedly for Church-supported candidates, with the exception of sheriff, where two acceptable candidates were running for office.⁶¹ In the state election for the Board of Public Works two precincts in Pottawattamie County had returned a majority of 550 to 4 in favor of the Whig candidates.⁶² It appeared obvious that the Mormon vote would be solidly behind the Whig candidates in the August election.

The controversy over the unified vote from Kanesville in the 1848 election had previously subsided. The state had extended *de facto* recognition of Pottawattamie County in the assessment of taxes, the upholding of judicial decisions, and so on. But in the coming election significant political officers were at stake, partisan feeling would no doubt be strong, and the mob spirit existent in the 1848 election might recur.

Editorializing politically on June 26, 1850, the *Frontier Guardian* made a stirring appeal for the Saints to remember who had been their political friends and to support the Whig ticket. George C. Wright was the Whig candidate for the First Congressional District. The article urged his support but lamented that Daniel F. Miller was not the candidate.⁶³ As in the 1848 election, Hyde was not to be in Kanesville during the election, this time not by his own choosing but because of instructions from Brigham Young for him to visit the Great Salt Lake Valley. Prior to his departure he instructed the Mormons to vote the Whig ticket: "Zion expects every man to do his duty."⁶⁴

The July 24 issue of the *Frontier Guardian* printed the list of candidates on what was called the Union Ticket in an editorial entitled "To the Polls! To the Polls!" This slate of candidates was slightly different from the Whig ticket printed in the earlier number of this Mormon journal, as it substituted James L.

⁶¹*Frontier Guardian*, August 22, 1849.

⁶²*Ibid.*, October 17, 1849.

⁶³Records do not indicate why Miller was not the candidate.

⁶⁴*Frontier Guardian*, June 26, 1850.

Thompson for James Harlan, both of Johnson County, for governor. The editorial stated: "We have printed Tickets for each precinct, and hope that every true American citizen will act in accordance with law and order, and stand firm and undaunted by the regularly nominated ticket, and use their influence against any split tickets. . . ." ⁶⁵ It continued: "The men on the regular ticket are worthy of your support, and are fully approved by the Presidency of the Church here, and the High Council as good and upright men, and who is there that would not abide the advice of these men? None, but those who are opposed to the true interests of this county, and those '*who are not for us are against us.*'" ⁶⁶

The election went off without significant incident. Men of both political parties were in the Mormon settlement attempting to obtain support for their candidates. "Our Democratic friends at Council Bluffs," stated the *Guardian*, "came here on election day, in a body with a flag of truce at their head, preserving good order during the day and exerting a peaceable influence and after voting in solid phalanx, proceeded to the Bluff House where they had a dinner served up in a good style. . . ." ⁶⁷ The article continued: "We are glad to see men of both political parties mingling together, and notwithstanding the strong political excitement of the day, part with good feelings. Our friends of Council Bluffs labored hard for their cause (we are sorry to say) still we respect their firmness and determination to support their principles although we think them wrong." ⁶⁸

The *Guardian* was not so temperate in its handling of Almon W. Babbitt, who had turned up in Iowa just prior to the election. Babbitt informed the people in the Kanessville area that if they did not vote the Locofoco ticket, the prospect for Deseret statehood would be jeopardized. Commenting on Babbitt's actions, the editor wrote: "We have been on nettles for sometime to know where Mr. Babbitt got his \$500 to spend so lavishly for electioneering." ⁶⁹ He was also sporting "a splendid span" of horses and living royally—all of this, the *Guardian* reminded its readers, when he was supposed to be the delegate from Deseret to Washington working for its admission as a state. "We cannot find a word authorizing him to come to Kanessville, or delegated

⁶⁵*Ibid.*, July 24, 1850.

⁶⁶*Ibid.*, Italics in original.

⁶⁷*Ibid.*, August 7, 1850.

⁶⁸*Ibid.*

⁶⁹*Ibid.*, August 21, 1850.

to use his influence against Prest. Hyde. . . . Every man should know his place in the kingdom of God, and Mr. Babbitt knows very well that his field of labor is at Washington, and not here."⁷⁰

Babbitt had bragged that he had sufficient money to buy enough liquor to get all of the Mormons drunk and have them vote against the Whig ticket.⁷¹ The *Guardian* explained his actions and success in this affair after the election was over:

As for getting the people drunk; deducting the voters of Trading Point, or as they term themselves, the *Spartan Band*, and which they say numbered sixty, leaves a balance of sixteen Democratic votes, which we are willing to admit that Mr. B. obtained; whether he obtained them by whisky or otherwise, we are not prepared to say; We understand, however, that he had a cask of brandy tapped in one place and in another he paid the bill for all that was drank, which run freely during the whole of election day . . . and after so profusely using his liquor, he obtained but 16 votes, making an expense of 31 dollars per vote, to him or his party; we are inclined to believe that it must be some portion of the Locofoco corruption fund.⁷²

Though many from the section were non-Mormon, a few of those involved in accepting the libations of Babbitt were Mormons.

Babbitt had been irate with the operators of the journal because he wanted some political literature printed, which they claimed could not be printed before the election. Babbitt had threatened them in various ways and had claimed that he had money for the *Guardian* which he would not turn over to them if they would not print his materials. They refused to print them. When Orson Hyde returned to Iowa in the fall of 1850, he commended his employees' course in the election and issued a final comment on the long-standing political controversy between Babbitt and himself:

Whisky, brandy, and champagne ran just as freely as water in two houses here, at his expense, or at the expense of the Democratic Party for all that could be drummed up to rally around his standard. Thus did a professed minister of God, (we blush to own it,) seek to blind mens eyes, to stop their ears and to palsy their senses, by pouring down them the poisonous flood that drowns mens souls in perdition and woe. By it, the most depraved and debased passions of men were aroused. Such were his associates, his abettors and fellow helpers; and since he left this section, some have had to be excluded from the Church for intemperance and drunkenness.⁷³

⁷⁰*Ibid.*

⁷¹*Ibid.*, September 18, 1850.

⁷²*Ibid.*

⁷³*Ibid.*, December 11, 1850.

The voting results in Pottawattamie County for governor showed a heavier Democratic vote than in the 1848 election, but still James L. Thompson, the Whig candidate, received 446 votes to 82 for Stephen Hempstead, the Democratic candidate. The other state officers generally followed this pattern. There was a heavier vote for the county officers, and a number of offices were sought by two or more candidates in the local election. Statewide returns, however, gave a majority to the Democrats again. The *Guardian*, with obvious frustration, inserted the following in its columns: "We have nothing to say in regard to the election in this State, it being almost passed redemption, the Locos have elected the entire State Ticket by about 1200 majority. Henn the Locofoco candidate for this district has been elected by about 300 majority over Wright the Whig candidate."⁷⁴

Bernhart Henn, the Democratic candidate for the First Congressional District, was elected to sit in the Thirty-second Congress, but the vacancy created by the action of the House still required a special election to fill the seat for the second session of the Thirty-first Congress. On August 23, Governor Ansel Briggs issued an executive proclamation designating Tuesday, September 24, as the day for this election. The *Guardian* of September 4 rose to the political call with an editorial on Daniel F. Miller, esq.: "It is expected that every legal voter will be prepared to give our friend D. F. Miller, his vote at the coming election, to fill the vacancy occasioned by the late act of Congress." The article expressed obvious delight that the voters would have an opportunity to rebuke the "poll book thieves" and right a wrong in the denial of Miller his rightful seat in Congress. By the time the word of the special election arrived on the frontier settlements in Iowa, however, there was little time to organize. Many of the Saints were busily engaged in the harvest, and the result was a light vote. Even so, the usual pattern of Democratic and Whig political activities was evident—even the in-Church political conflict between Hyde and Babbitt re-emerged. The importance of the Mormon vote was attested to by the presence of William Thompson in Kanesville to rally support for the Democrats. With much emotion he professed elected representative from the district, accompanied him. But his innocence in the poll-books affair. Mr. Henn, the newly

⁷⁴*Ibid.*, September 4, 1850.

regardless of the use of this "heavy political artillery," Pottawatamie County cast 273 votes for Miller to only 56 for Thompson.⁷⁵

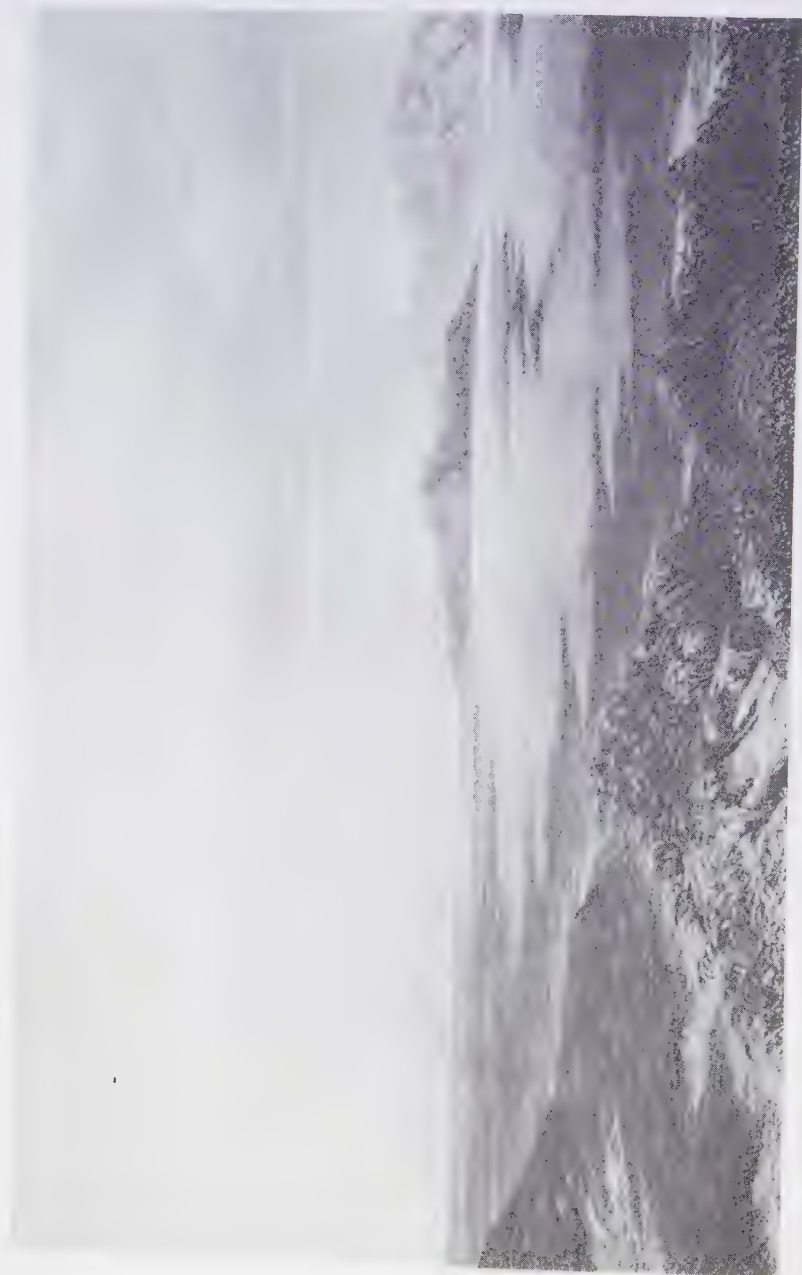
Conclusion

The finale of this saga of frontier politics found Miller taking his seat in Congress on December 20, 1850,⁷⁶ and the Mormons using the winter to prepare as best they could for an even heavier migration to their mecca in the mountains. Since Orson Hyde desired to remain in Iowa and to serve the Church from that location, he did not migrate to the Valley during the 1851 season. However, he was denied the opportunity of giving the Whig party any support in the 1852 election, as an insistent letter from Brigham Young demanded that all of the Iowa Saints, who could be properly so called, migrate to the center of Mormondom in 1852.⁷⁷ Hyde, with some reluctance, sold the *Frontier Guardian*, rallied nearly all of the remaining Mormons in that area, and left for the Valley in the late spring of 1852. What once had been a bustling Mormon community on the Iowa frontier was left nearly deserted, to be gradually filled up once again by other settlers. The pattern of expulsion and exodus, as set in Ohio, Missouri, and Illinois, was repeated in Iowa; but in the last-named state the violence was less severe, and the cause of conflict—politics—was more distinct and clear.

⁷⁵*Ibid.*, October 2, 1850.

⁷⁶*The Congressional Globe*, 31st Cong., 2nd Sess., p. 100.

⁷⁷JH, September 21, 1851.



Great Salt Lake, 1847

PART II

THE MORMONS AND THE COMPROMISE OF 1850

Theocracy in the Great Basin

In the spring of 1847, the Mormons at Winter Quarters on the Missouri River were busily preparing for their westward trek to the Great Basin. The practical needs of the pioneer company, such as guns, maps, wagons, and so on, were carefully checked and made ready. The company consisted of 144 men, especially chosen and organized to insure the maximum possibility of success in the undertaking. But this was not all. Brigham Young called the group together and reminded them of the necessity of being faithful, humble, and prayerful on the journey in order that they might have the blessings of heaven. The pattern was a familiar one with the Mormons: an interesting admixture of heaven and earth!

The Mormon migration to the West was not typical of the American westward movement in other ways. The latter was basically individualistic, the former was the migration of an existing and integrated society. The governmental needs of the Mormons, therefore, were immediate. How were these needs met?

Among the Mormon store of religious beliefs was a political system called the Kingdom of God. It was to be an earthly kingdom with all of the political trappings of existing political systems. Suggestive of this was the interesting organization known as the Council of Fifty, which was established as the legislature of the Kingdom. The political system would, when fully organized, be based on the principles of constitutional monarchy, the rule of law, separation of powers, and federalism. Although a kingdom, its institutional features seemed to resemble the governmental system of the United States.¹

This kingdom, a politico-religious organization of world-wide proportions as conceived by the Mormons in that day, was ultimately to assume sovereignty over all of the kingdoms of the world. Illustrative of this belief was a letter of Parley P. Pratt to Queen Victoria of England, published as a pamphlet in

¹See the author's "Brigham Young's Ideal Society: The Kingdom of God," *Brigham Young University Studies*, V, 3-18.

1841, in which he invited her and her nation to join this momentous movement. "Know assuredly," he wrote, "that the world in which we live is on the eve of a REVOLUTION . . . more important in its consequences than any which man has yet witnessed upon the earth; a revolution . . . upon which the future destiny of all the affairs of earth is made to depend."² Relying upon the prophecy of Daniel, he explained that there could not be unity of the kingdoms of the world, and he concluded his invitation to the English nation: "The kingdoms of *this world shall become the kingdoms of our God and his Christ*."³

As the Mormons set their course into politically unorganized territory, surely the propitious moment had arrived to establish the Kingdom and have it "roll forth" and envelop the entire earth. Self-government was not new to the Saints. Since 1845, they had had the responsibilities of handling their own political needs which they had accomplished through a theocratic system.⁴ There is little question that during this theocratic period the Council of Fifty functioned in a legislative capacity, determining political policy. Administrative offices, police and military organizations, courts and other governmental positions were filled as needed, by and large, from the already-existing church organization. The Mormon theocracy established and functioning in the settlements of Winter Quarters and those scattered across Iowa added to the political understanding of the westward-moving Saints.

The records adequately demonstrate that when the pioneers arrived in the Valley, all activities were sponsored by the Church. Brigham Young proclaimed the first "land law" of Utah on July 25, and subsequent proclamations "announced there would be no private ownership in the water streams; that wood and timber would be regarded as community property."⁵ A variety of proposals, generally considered to be political in content, were presented to the camp and accepted unanimously.⁶

²To *Her Gracious Majesty, Queen Victoria* (Manchester: P: P: Pratt, 1841), p. 1.

³*Ibid.* Italics in original.

⁴See the author's "Theory and Practice of Church and State During the Brigham Young Era," *Brigham Young University Studies*, III, 33-55.

⁵B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints: Century I* (6 vols; Salt Lake City: Deseret News Press, 1930), III, 269. Hereafter cited as CHC.

⁶The records of the period indicate that the theocracy operated with significant democratic overtones, as the people participated in elections and popularly approved many of the policies initiated by the Church authorities. The "voice of the Church" at this point was also the voice of the people politically.

In August of 1847, Brigham Young and certain other pioneer leaders prepared to return to Winter Quarters. Before doing so, they organized the Salt Lake Stake of Zion. John Smith was selected to be the president, and other leading men were nominated to the presidency and High Council. The selection of this governing body, which was the repository of political as well as religious authority, was approved by a vote of the Saints in the October conference.⁷ But the presence of John Taylor and Parley P. Pratt, two of the apostles, had the effect of modifying the council's effective power. Nevertheless, during the year of absence of Brigham Young from the Salt Lake region, the High Council enacted laws, imposed taxes, selected administrative officers, sat as a court in criminal and civil cases, and generally had complete legislative, judicial, and executive powers.

Was this politico-religious body the skeletal organization of the Kingdom of God? Charles C. Rich recorded in his journal the basic points of an address given by Parley P. Pratt on Sunday, October 10, 1847, in which Pratt denies this possibility. In explaining the government of the stake, he said that the High Council "has to attend to temporal as well as spiritual matters, for we have no county and state officers, etc." He also mentioned that it was not possible under the circumstances to be governed by the "Law of God altogether." Being away from state laws and officers, the Saints needed some laws in cases of "stealing, lewdness, quarrelling, fighting, trespassing, etc. For the time being therefore be it enacted by the High Council." He continued that the people "need a law to prevent men from settling in a scattering manner and to prevent cutting green timber and all such laws will be for the people of this stake for the time being, *no one quorum has power to give eternal laws for this people but a greater council which contains the '12' may do this.*"⁸

John Taylor then addressed the audience and "stated that P. P. Pratt had told the truth with regard to organization and law, etc., and there were as many as 20 or thereabouts present who knew it too, and called on the people to cultivate principles of peace, happiness, kindness . . . and to sustain the H. Council. . . ."⁹

⁷JH, October 4, 1847.

⁸Journal of Charles C. Rich, located in the Church Historian's Office, hereafter referred to as CHO. Italics supplied.

⁹*Ibid.*



Brigham Young

These gleanings from the journal of Charles C. Rich shed further light on the role of the Council of Fifty in the Kingdom of God. Even though there may have been at least twenty members of the Council of Fifty in the Valley, the Rich journal points up the significance of the Quorum of the Twelve Apostles in the "greater council" and emphasizes the teaching of Joseph Smith that the priesthood is a "perfect law of theocracy, and stands as God to give laws to the people. . . ." ¹⁰ It appears that there were members in the Valley who were impatient because the political kingdom was not functioning, but it is obvious that the establishment of the Kingdom of God could not be effected while the Saints were separated by the Rocky Mountains and the Plains, if the Council of Fifty, the legislature of the Kingdom, required the presence of the Twelve Apostles to be empowered to function.

The theocracy continued to function after Brigham Young, who was made president of the Church while at Winter Quarters, and the other general authorities returned to the Valley in September of 1848. Now, however, Brigham Young and other leading men of the Church met in a "general council." This larger council probably was the Council of Fifty, but archival records simply continue the use of the term "council," and it is not always clear which council was involved in the political decisions for the community or whether there was an overlapping of council jurisdiction in political and religious matters. It is evident, however, that the High Council continued to make some political decisions after January 6, 1849, when it was relieved of its municipal powers.

What is of greater concern was the political intent of the Saints in their new home in the Rocky Mountains. Apostates with knowledge, though probably imperfect, of the Kingdom of God were charging that the Utah Mormons were attempting to set up a "kingly" government separate from the government of the United States. A number of non-Mormons, such as William A. Linn, in his *Story of the Mormons*, gleefully picked up these charges and perpetuated them. B. H. Roberts, on the other hand, concludes from the statements of the Church leaders from 1846 on that the intent of the Mormons was to establish a territorial

¹⁰Joseph Smith, *Teachings of the Prophet Joseph Smith* (Salt Lake City: Deseret News Press, 1940), p. 322.

or state government within the federal system of the United States, and that the organization of the State of Deseret and the petitioning the United States for admittance as either a state or a territory corroborates their intent.¹¹

Klaus J. Hansen, in his contemporary research on the Council of Fifty and the Kingdom of God, claims that the Saints would have established the Kingdom if the opportunity had presented itself.¹² My own research supports the position that the Kingdom of God was believed to be the ideal social system, complete with political power, which the Mormon leaders hoped would be established in the immediate future throughout the earth and envelop the existing political systems. Brigham Young, however, left the exact timing of the establishment of the Kingdom to God. He considered it his responsibility to have the Kingdom organized and ready to function and added: "When the time comes, we shall let the water on to the wheel and start the machine in motion."¹³

To establish a de facto civil government, Deseret, and seek admission into the United States were not only practical necessities, considering the unfolding events of the time, but were actually consistent with Brigham Young's notion of the establishment and structure of the Kingdom. His statements beginning in 1846 which proposed territorial or state government for the Saints in the Great Basin were not inconsistent with those of the same period about the Kingdom. The metamorphosis from the earthly political systems, especially the government of the United States, into the Kingdom of God would follow certain natural conditions, processes, and events of man and God, thought Brigham Young, and he was unconcerned about the exact details of how the change would occur.

¹¹CHC, III, 414-447. Roberts points out that a number of distinguished and politically influential men, including Stephen A. Douglas and Governor Thomas Ford of Illinois, had encouraged the Saints to settle in an area where they could establish an independent nation. But even with this encouragement, Roberts claims the intent of the Mormons is best expressed in the following quotation taken from the response of Brigham Young to an inquiry of Colonel Thomas L. Kane: "I informed the colonel we intended settling in the Great Basin or Bear River Valley, and those who went round by water would settle in San Francisco. We would be glad to raise the American flag; we love the Constitution of our country, but are opposed to mobocracy; and will not live under such oppression as we have done. We are willing to have the banner of the United States Constitution float over us." Taken from "History of Brigham Young," *Ms.*, 1846, bk. 2, p. 133.

¹²"The Metamorphosis of the Kingdom of God," *Dialogue: A Journal of Mormon Thought*, I, 63-83. Hansen writes: "Although the Council of Fifty never fully realized its goal of establishing the Kingdom of God as a separate nation in the Great Basin, it ceaselessly worked in that direction for as long as it seemed at all possible." p. 68.

¹³JH, January 19, 1863. Brigham Young was a practical, down-to-the-ground leader of men as well as the religious leader of the Saints, yet it would be an error to interpret his motives from a purely humanistic point of view as Hansen seems to do.

Evolution toward Civil Government

One of the significant results of the Council meetings held during the winter of 1848-49 was the decision to organize a civil government.¹⁴ Whatever temptations the Saints may have had in regard to an independent nation were, for the moment at least, laid aside. The treaty of Guadalupe-Hidalgo, signed February 2 and ratified May 30, 1848, ending the war with Mexico, transferred Upper California to the United States. The Saints, in seeking a sanctuary and self-government, found themselves situated on the crossroads of an expanding nation and under its jurisdiction. Already aware that gold had been discovered in California, the leaders of this politico-religious community realistically concluded that there would be an ever-increasing contact with people not of their faith and that the theocratic government would be unacceptable to the nonbeliever.¹⁵

Throughout the year of 1848, a variety of proposals designed to meet the continuing political needs of the Saints was advanced. Brigham Young wrote a letter to Colonel Thomas L. Kane on February 9, 1848, suggesting that the colonel should draft a petition for territorial government in the Great Basin and "agitate the subject in the halls of Congress."¹⁶ In a letter written June 28, 1848, George A. Smith and Ezra Taft Benson, who with Orson Hyde presided over the Church in Kanesville (present-day Council Bluffs, Iowa), urged Brigham Young to petition Congress for admittance into the Union as a state, or as an alternative, as a territory. Unaware of the terms of the treaty of Guadalupe-Hidalgo, they suggested independence, possibly as the Kingdom of God, if Mexico retained the Great Basin.

Evan M. Greene, a nephew of Brigham Young, wrote to his uncle from Kanesville on October 7, 1848. He suggested that a petition to the Congress would bring a "carpet-bag" rule to the Saints in the Valley, and proposed that the Church send some one to California and obtain a district court from the military

¹⁴J. D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876*, ed. Robert Glass Cleland and Juanita Brooks (San Marino: Huntington Library, 1955), I, 80 ff.

¹⁵Indeed, there is good evidence that a number of Church members also preferred a civil government, because of the practical necessity of establishing a judiciary through which business with the United States government over land warrants, pay, pensions for widows, and so on, duly earned by members of the Mormon Battalion, could be conducted. A very sticky problem also arose concerning how to execute those individuals who had been adjudged guilty by the Council of capital crimes, and have the action accepted by the people as legal. Brigham Young was opposed to covert action and recommended that the execution of the death penalty be delayed until a civil government was organized. A case in point was the one of Ira E. West, as recorded in *A Mormon Chronicle*, I, 98, 99.

¹⁶JH, February 9, 1848.

governor, Brigadier General Bennett Riley.¹⁷ This he believed would meet the immediate needs of the Saints without having "outsiders" rule. On October 9 Wilford Woodruff wrote to George A. Smith from Philadelphia that he had had two interviews with Colonel Kane. The letter stated: "If there is any disturbance with our enemies in your country, he wants the earliest intimations of it, as he has now a paper under his control. He has fears that trouble is brewing against us in the Democratic ranks."¹⁸ On October 10, undoubtedly before they received Woodruff's letter, Smith and Benson wrote again to the "President and Council of the Church of Jesus Christ of Latter-day Saints." They said:

In our letter of July 1, we wrote on petitioning Congress for a Territorial Government, not expecting the ratification of the treaty had taken place. . . . Should the Democrats retain the ascendancy, which is not improbable, though uncertain, we may expect in reply to a petition a hungry hoard of coching sycophants in the shape of big men to feed out of our crib. . . . We do not wish to dictate you in this matter, any measure you may see proper to enter upon in relation to government matters we shall endeavor to carry out in good faith, as far as required of us. We believe that God will overrule all these things for the good of the saints, and this is the way we get along with our own politics.¹⁹

Another letter from Wilford Woodruff to Orson Pratt written on December 26, 1848, contained the following: "Congress is struggling hard to form California into a State; the committee, however, are instructed to consider the subject in the mean time, of organizing that portion of California, called *Salt Lake Country* into a *Territorial Government*. But the Slave Question, connected with that territory, is the bone of contention, hard to be digested, and is beginning to create warm times."²⁰

Judging from the content of the above letters, the elders of the Church at various locations in the states, as well as the leadership in the Great Basin, were wrestling with the problem of how to achieve desired political autonomy for the Saints in their new home. In addition to offering advice on the political course to follow, the stateside letters also kept the Council in the Valley aware of national political developments which would affect the Saints.

¹⁷JH, October 7, 1848.

¹⁸JH, October 9, 1848.

¹⁹JH, October 10, 1848.

²⁰JH, December 26, 1848. Italics in original.

As early as December 9, 1848, the Council of Fifty, according to the journal of John D. Lee, "took into consideration the propriety of petition-[ing] Congress for a Teritorial Government, Giving them to understand at the same time that we wanted officers of our own nomination. . . . Pres. B. Young was nominated & voted to be the governor of Said Territory: Williard Richards, Secretary; Heber C. Kimble, Chief Judge; N. K. Whitney & P. P. Pratt, Associate Judges; Dr. J. M. Burnhisal, Marshal. The territory to be called Desarett. . . ." ²¹ A committee was appointed to collect all of the names of the people living within the boundaries of the territory. Dr. John M. Bernhisel, D. H. Wells, and Joseph L. Heywood, appointed as a committee to draft a petition to be presented to Congress, reported the following Saturday at the next meeting of the Council. It appears from Lee's journal that a general discussion of the petition followed. ²² Then on January 6, 1849, Lee records: "A convention of the Council assembled at H. C. Kimball, at which concil the Pe[t]ition and bounds of the Territory of Country pe[t]itioned for was read by the Commity and accepted by the House, and J. M. Burnhisail was appointed or deligated to go to the City of Washington with the pe[t]ition and represent our case." ²³

On the first day of February a notice bearing the signatures of many prominent people was addressed to all the "citizens of that portion of Upper California lying east of the Sierra Nevada Mountains," inviting them to a convention to be held on Monday, March 5, "for the purpose of taking into consideration the propriety of organizing a territorial or state government." ²⁴ It appears obvious that the discussion stage was over and the time to organize the civil government had arrived.

During the month of February, however, the Council of Fifty continued its governmental role in setting the political, economic, and social policies of the people in the Great Basin. It continued also to add names to the list of nominees for offices

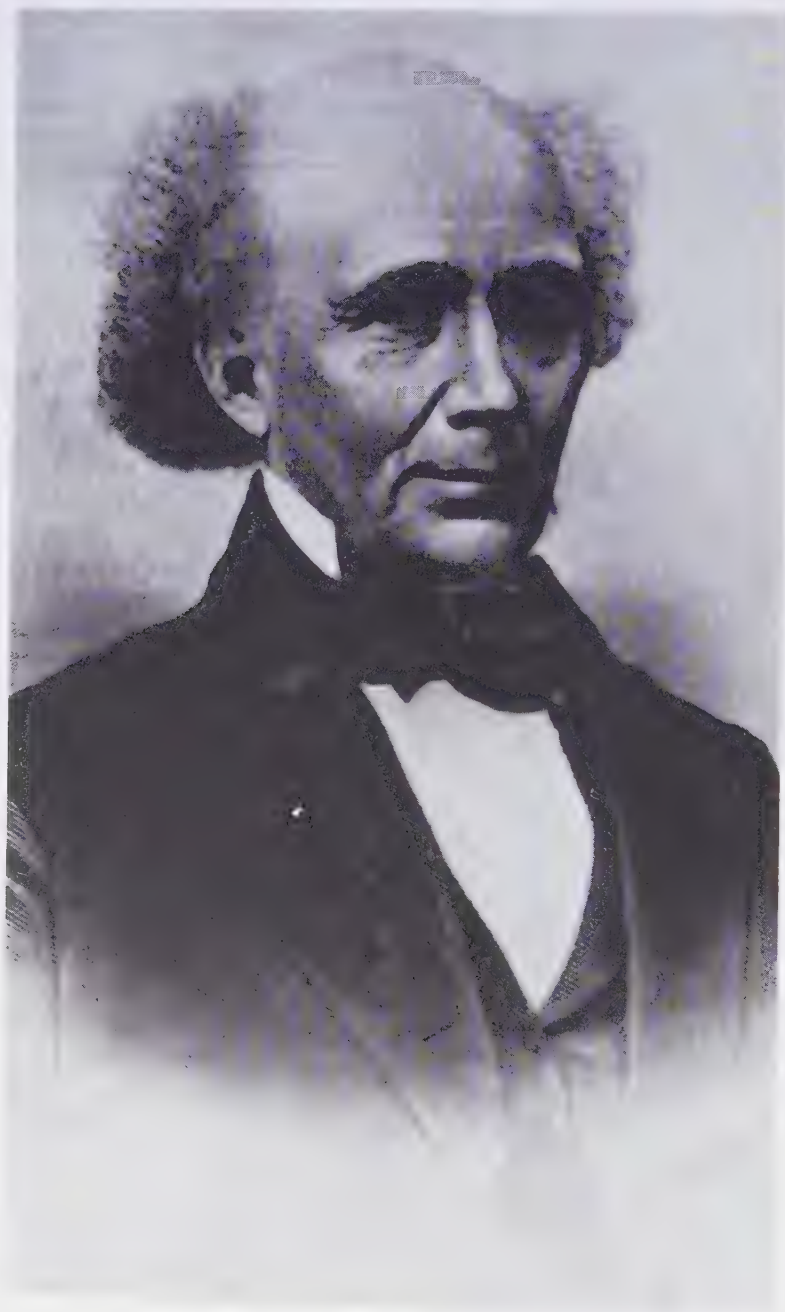
²¹A *Mormon Chronicle*, I, 80.

²²*Ibid.*, p. 82. Dale Morgan, "The State of Deseret," *Utah Historical Quarterly*, VIII, 82, records: "On December 13, 1848, therefore, 'Brigham Young, Heber C. Kimball, Willard Richards, John Taylor, Dr. John M. Bernhisel, Joseph L. Heywood, Daniel H. Wells, Wm. W. Phelps and Thomas Bullock spent part of the day in the office reading over the several forms presented as memorials to Congress. None were accepted except that which was dictated by Willard Richards. After reading it several times, it was approved.' This memorial had been dictated two days previously to Thomas Bullock.

²³A singular feature to this memorial is that signing of it began December 10, before the text was written. Evidently signatures were gathered during the next three months." The source cited for this information is the JH of the dates specified.

²⁴A *Mormon Chronicle*, I, 86.

²⁵JH, February 1, 1849.



John M. Bernhisel

to be presented to the people for election at a later time. Albert Carrington was "appointed assessor, collector and treasurer" at the February 9 meeting of the Council.²⁵ On February 24, the Council voted that Horace S. Eldredge be the marshal for the Council. After consideration of a variety of business matters, the Council voted to adjourn until Saturday, March 3. On this date, the Council met the entire day, considering such weighty matters as how to enforce and adjudicate its laws. Lee records: "Some taul Speeches were made relative to the duties and Powers of this Council." It was then voted that the marshal should receive his commission from the Council and have the right to appoint deputy marshals. The Council adjourned until the next morning, Sunday, at 9 a.m.²⁶

The meeting on Sunday, March 4, continued the discussions of the previous day relative to law and government, according to Lee's journal, and "after several counsellors had spoken on the Subject, it was voted that an Election be held on the 12th day of March in the city of the great Salt Lake for the purpose of Electing the following men to fill the different Stations in office. Namely: Pres. Brigham Young, govenor; Heber C. Kimble, Supreme Judge; Williard Richards, Secretary of state; Newell K. Whitney and John Taylor, associate Judges; Horace S. Eldridge, Marshal; N. K. Whitney, Treasurer; Albert Carrington, assessor and collector; and a Justice of the Peace in each ward."²⁷

While this action of the Council of Fifty was taking place, action was taken to set up the constituent convention to begin on Monday, March 5. It is recorded that a "considerable number of the inhabitants" of Upper California met and appointed Albert Carrington, Joseph L. Heywood, William W. Phelps, David Fullmer, John S. Fullmer, Charles C. Rich, John Taylor, Parley P. Pratt, John M. Bernhisel, and Erastus Snow a committee to draft and report to the convention a constitution for the State of Deseret. The convention met again on March 8-10 and considered the draft of the constitution. At the end of these three days, the constitution was adopted without a dissenting vote.²⁸

²⁵*A Mormon Chronicle*, I, 89.

²⁶*Ibid.*, p. 98.

²⁷*Ibid.*, p. 99.

²⁸There is confusion as to the exact dates that this action took place, but more importantly, there is a wide discrepancy as to the political significance of the process here recorded. Thomas Cottam Romney, in his unpublished Ph.D. thesis, "The State of Deseret," makes a case that the unanimity of the vote on the constitution indicates "in the very strongest terms possible that the masses of the people were behind their leaders in the desire for a



Salt Lake Valley, 1862

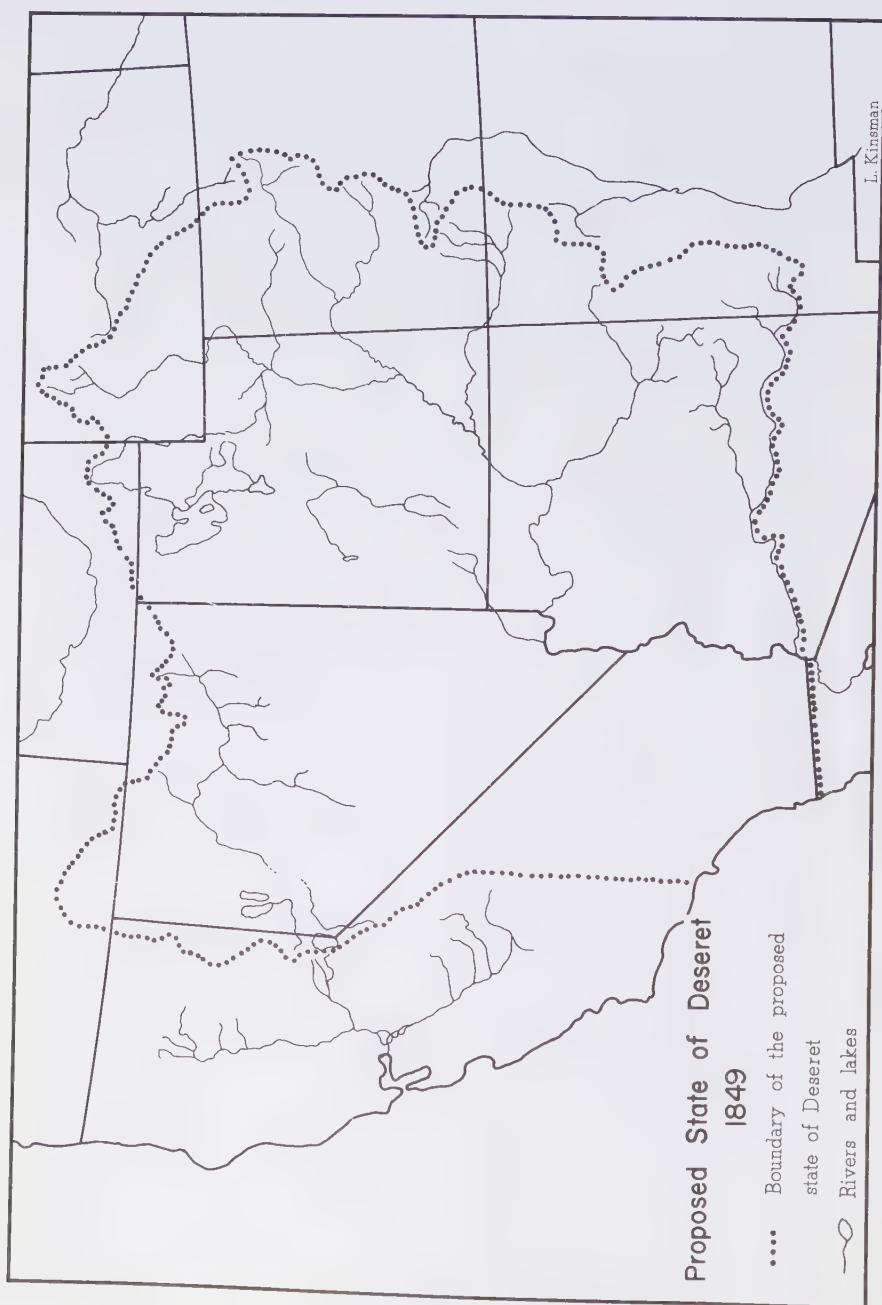
The State of Deseret

Brigham Young, in an address in 1874, told a congregation at Lehi that a full and complete organization of the Kingdom of God had been given by Joseph Smith in March of 1844. "I shall not tell you the names of the members of this kingdom," he said, "neither shall I read to you its constitution, but the constitution was given by revelation."²⁹ If the committee of ten selected by the Convention on March 5 to draft the constitution had access to the Constitution of the Kingdom of God, they apparently did not follow it in their draft unless it resembled closely the Constitution of the United States and the constitutions of the states of the Union with which the Saints had had experience. The preamble claimed United States citizenship for its inhabitants; noted the lack of any civil governmental authority over the territory; pointed out the necessity of civil government and laws for the security, peace, and prosperity of society; professed a belief in republican government and popular sovereignty; and recommended the adoption of the proposed constitution "until the Congress of the United States shall otherwise provide for the Government of the Territory, hereinafter named and described, by admitting us into the Union. WE, THE PEOPLE, Grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and Independent Government by the name of the STATE OF DESERET. . . ."³⁰ The boundaries described in the preamble were ambitious to say the least, comprising all of the present states of Utah and Nevada; most of Arizona; much of Wyoming, Colorado, and New Mexico; approximately a third of California from the boundary of Mexico

state government," p. 140. B. H. Roberts, in his CHC, and Leland H. Creer in "The Evolution of Government in Early Utah," *Utah Historical Quarterly*, XXVI, 20-42, seem intent on proving that the Mormons were politically loyal to the United States in the exercise of this constituent function, as it was consistent with well-established precedents. As far as the dates are concerned, the ones used in the text seem most probable. The conclusion which seems most significant politically is that the real power was held by the Council of Fifty, and it would continue to be the power behind the facade of the State of Deseret. Also, the knowledgeable Saints would yearn for an early realization of their ideal, the Kingdom of God, while achieving as much independence and autonomy for Deseret as possible within the Union.

²⁹Brigham Young, *et al.*, *Journal of Discourses* (26 vols.; Liverpool: F. D. Richards, *et al.*, 1854-1884), XVII (August 9, 1874), 157. Hereafter cited JD. Date in parentheses indicates the date when the discourse was delivered, James R. Clark, in "The Kingdom of God, The Council of Fifty and the State of Deseret," *Utah Historical Quarterly*, XXVI, 135, writes: "The Constitution of the Kingdom of God was given to Joseph Smith in 1844. Copies of this constitution are not at present available, but there is good evidence that it existed from 1844 to at least 1880."

³⁰*Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah* (Great Salt Lake City: Joseph Cain, Public Printer, 1855), p. 45.



north along the coast to $118^{\circ} 30'$ west longitude; and small sections of Idaho and Oregon.

Article I of the Constitution specifically stated the principle of a threefold separation of powers among the legislative, executive, and judicial departments. Nowhere is this statement found in the Constitution of the United States, but the principle emerges in the fact of separation.

Articles II, III, and IV outlined the organization, the powers, and the election and qualifications of officers in the legislative, executive, and judicial branches of government in a way strikingly similar to Articles I, II, and III of the Constitution of the United States. Individual rights found in Article I of the Constitution of the United States, however, were included in the Declaration of Rights in Article VIII of the Constitution of Deseret.

Article V pertained to elections, setting the first election on the "first Monday of May, next." At this point the Constitution was not in harmony with the Council of Fifty proposal of holding an election on February 12. The manner of voting was to be by ballot, and all white male residents of Deseret over the age of twenty-one years were to have the privilege of voting at the first election and adoption of the Constitution. This restriction of the suffrage to "white male resident" ended that right for women, and possibly Negroes; who had voted on political propositions during the earlier theocratic period.

Article VI provided for a militia of all able-bodied white male citizens between the ages of eighteen and forty-five. The officers were to be elected by the men and commissioned by the governor. Article VII outlined the mode of amending the constitution by the simple process of providing for enactment by the General Assembly and ratification by the electorate by a majority vote.

Article VIII was the Declaration of Rights. In this section, there was an interesting blending of the philosophical rights set forth in the Declaration of Independence and the legal rights found in the Bill of Rights of the Constitution of the United States. Even though the Kingdom of God was the ideal for the men responsible for the drafting of the Constitution of Deseret, the first and second sections of the Declaration of Rights were a powerful case for the equality of man and the preservation of his rights, and for the principle that all free governments are

instituted for the benefit of the people and "all political power is inherent in the people."

The other sections of the Declaration of Rights, with the exception of Section Four, which disqualified a person from holding any political office if he engaged in the luxury of dueling, were guarantees of the traditional freedoms and rights of worship, speech, petition, procedural trial processes and so on, constitutionally guaranteed Americans by the Constitution of the United States or by the state constitutions.

A unique feature of the Constitution was that, except for the governor, the officers were expected to serve without compensation.

While the Constitution designated the "first Monday of May, next" (May 7, 1849) for the first election of state officers and the adoption of the Constitution, the election was actually held on March 12, consistent with the decision of the Council of Fifty made on March 4. The election was held in the "bowery," 674 votes were polled, and the following Council of Fifty members were elected:

Governor: Brigham Young
Secretary: Willard Richards
Chief Justice: Heber C. Kimball
Associate Justices: Newel K. Whitney and John Taylor
Marshal: Horace S. Eldredge
Attorney General: Daniel H. Wells
Assessor and Collector: Albert Carrington
Treasurer: Newel K. Whitney
Supervisor of Roads: Joseph L. Heywood

The bishops of the nineteen wards of Salt Lake City, Weber River, North Cottonwood (Farmington), North Mill Canyon (Bountiful), South Cottonwood, Big Cottonwood, and Mill Creek were elected as civil magistrates. Thus the bishops were to continue the civil responsibilities they had held during the theocracy.³¹

It is assumed that the Constitution was ratified by the same unanimous vote.

The initial steps in establishing the State of Deseret included a number of irregular or unconstitutional acts. In the election of March 12 there is no mention of the members of the General Assembly, yet in conformity to the provision of the Constitution, the General Assembly met on July 2, 1849; nor was

³¹Morgan, *op. cit.*, p. 87, states that the Eighteenth Ward was not yet organized and had no bishop to be elected.

a lieutenant governor provided for. Yet the House and Senate members presented their credentials, the respective bodies were organized, and on July 3, "a committee of three, Daniel Spencer, Joseph Fielding, and Cornelius P. Lott, waited upon the lieutenant governor and notified him of the Senate organization, whereupon this officer was introduced into the chamber and conducted by the president pro tem to his seat."³² There does not appear to have been an election following the one held on March 12, and it seems safe to conclude that these legislators and the lieutenant governor were selected by the Council of Fifty.³³

The Constitution also provided for the election of the judiciary by the General Assembly rather than by the people, but this provision seems to have been ignored as they were elected by the people on March 12.³⁴ The election of the bishops constituted another unconstitutional act if it were intended that they were to act as judges in their respective wards, which they had done previously, since the Constitution provided that inferior courts were to be established by the General Assembly.³⁵ The July session of the General Assembly did not attempt to pass laws governing the inhabitants of Deseret or to weave the institutional fabric beyond the essential organization outlined in the Constitution. The purpose appears to have been to accomplish the fact of a political entity, Deseret, and to obtain admission into the Union.³⁶

Memorials to Congress

As was previously noted, Brigham Young asked Colonel Kane, in a letter dated February 9, 1848, to draft a petition for

³²"Abstract of Journal of the Senate" as found in Morgan, *op. cit.*, p. 89.

³³The following members presented their credentials, were duly qualified, and took their seats in the House of Representatives: Willard Snow, David Fullmer, Philip B. Lewis, Parley P. Pratt, John S. Fullmer, Charles Shumway, John Taylor, John Pack, Joel H. Johnson, Lorenzo Snow, Simeon Andrews, John Murdock, Ira Eldredge, John Van Cott, Joseph A. Stratton, George B. Wallace, Daniel H. Wells, Jedediah M. Grant, Jefferson Hunt, Daniel C. Davis, Franklin D. Richards, Isaac Higbee, Isaac Haight, William Hickenlooper, Seth Taft, and Hosea Stout. The following senators presented their credentials, were qualified, and took their seats: Isaac Morley, Reynolds Cahoon, Newel K. Whitney, John Smith, Phineas Richards, Shadrach Roundy, William W. Phelps, John Young, Daniel Spencer, Joseph Fielding, Cornelius P. Lott, David Pettigrew, Abraham O. Smoot, and Charles C. Rich. It is of special interest to note that many of these legislators can also be identified as members of the Council of Fifty at the time of their election(?). This pattern of Council of Fifty members holding significant positions in the civil government, especially that of the legislature, continued long into the territorial period.

³⁴B. H. Roberts, in his CHC, states: "But evidently there was such unanimity of feeling and action that the people were doing things on the basis of 'unanimous consent.' "

³⁵Action of the March 4 meeting of the Council of Fifty intended them to be justices of the peace!

³⁶The first legislative session of the State of Deseret began in December of 1849; a detailed account of its actions and sessions which followed can be found in Morgan, *op. cit.*, p. 96ff.

territorial government and "agitate the subject in the halls of Congress." This subject had first arisen between the President and the colonel when the latter visited the Saints in Winter Quarters in 1846. Brigham Young at that time indicated that the Saints would like a territorial government, and two days later, August 9, 1846, he wrote a letter to President Polk requesting a territorial government "bounded on the north by the British and south by the Mexican dominions, and east and west by the summits of the Rocky and Cascade mountains."³⁷

Colonel Kane pursued the action requested of him and reported to John M. Bernhisel and Wilford Woodruff the results of his work in an interview on November 26, 1849, in Philadelphia:

I applied, according to the wish of President Young, for a Territorial government. I had my last sad and painful interview with President Polk. I found he did not feel disposed to favor your people, and he had his men of his own stamp picked out, to serve as governor and other officers, who would have oppressed you or injured you in any way to fill their own pockets. He would not appoint men from among yourselves, and I saw it absolutely necessary that you should have officers of your own people to govern you, or you were better without any government. I had to use my own discretion, and I withdrew the petition. I am fully decided upon that point—that you must have officers of yourselves, and not military politicians strutting around in your midst and usurping authority over you.³⁸

In a beautiful tribute to Brigham Young, he said: "Brigham Young should be your governor. His head is not filled with law books and lawyers' tactics, but he has power to see through men and things."

Kane also advised Bernhisel and Woodruff that they must not get involved in the slave controversy, but remain neutral on this issue. He told them that the two senators from Missouri, Atchison and Benton, were still their enemies, "and all the parties, with the whole of Congress, are a mass of corruption and abomination." He pointed out that the party structure was undergoing major restructuring, and the course of action to be taken would have to be chosen wisely and carefully. He suggested that they might have to favor the South somewhat, even though he hated the idea, as he was a powerful voice in the Free Soil Party. Douglas, he felt, would not help them. In addition to his services

³⁷JH, August 9, 1846. President Polk is characterized as an "expansionist." Brigham Young matched or bettered him mile for mile!

³⁸Taken from Woodruff's journal, as found in JH, November 26, 1849.

with the Free Soil Party, he told them that his father would work for the Saints' objectives with the Democrats.

Kane concluded: "You are better without any government from the hands of Congress than with a territorial Government."³⁹

The action begun by the Council of Fifty in December of 1848 to write a petition for a territorial form of government and to obtain signatures for it was continued during the winter and even after the organization of the State of Deseret. The memorial was re-signed by Brigham Young, Heber C. Kimball, and Willard Richards on April 30. The document bore 2,270 signatures and was twenty-two feet long. John M. Bernhisel, who had been selected by the Council on January 6 to represent the case of the memorialists in Washington, D.C., was "authorized by the council on April 5 to draw on the public treasury for such money as he required for his mission east to present the memorial to Congress, and on May 3, he left Great Salt Lake City, carrying, besides the memorial, a mail of 31 letters."⁴⁰

The boundaries requested for this territorial government were almost identical with the boundaries of the State of Deseret. The justification for the request of such an immense territory was that it was so situated geographically that it could never advantageously be included with any other state or territory, and as the memorialists said: "We have done more by our arms and influence than any other equal number of citizens to obtain and secure this country to the government of the United States: therefore we respectfully petition your honorable body to charter for your memorialists a territorial government of the most liberal construction authorized by our excellent federal Constitution,

³⁹Roberts, Morgan, and Creer, as others writing on this subject, point to this strong position of Kane for statehood as the cause of changing emphasis from the territorial to the statehood memorial. Roberts also adds the General Wilson mission as another probable cause. The materials which follow demonstrate that this speculation is not valid. The Mormon leadership changed its emphasis from territorial to statehood status independent of these influences, as the desire for statehood had definitely crystallized by July of 1849 before either of the mentioned events had transpired or was known to the Saints. The "unfortunate alternative," territorial government, was a result of political forces in Washington, and not in decision on the part of the Mormons.

⁴⁰Morgan, *op. cit.*, p. 82. At least two of the letters were to Stephen A. Douglas and Colonel Thomas L. Kane, the former written by the First Presidency of the Church and the latter by Willard Richards, requesting their aid and cooperation in Bernhisel's lobbying activities with Congress. The letter to Douglas introduced Bernhisel as a "gentleman worthy of the attention of nobles," and "as the duly accredited delegate of the citizens of the Great Salt Lake Valley, and is the bearer of their petition to Congress for a Territorial Government in the mountains, and any assistance or attention you shall render him will meet with a cheerful response in the hearts and acts of a grateful people, when opportunity shall offer." It is interesting that no mention was made, at this time, of the organization of the State of Deseret, and Bernhisel was presented only as the delegate of the *citizens* of the area. The letter also proposed an amiable adjustment of the proposed boundaries of the territory if they should conflict with a bill or petition for the Territory of Nebraska, which the Saints understood Douglas had recently proposed. JH, May 2, 1849.

with the least possible delay, to be known by the name of Deseret."⁴¹

The constitutional convention which convened on March 5, 1849, also memorialized Congress for the approval of the Constitution of Deseret and admittance into the Union. This action was continued by the General Assembly when it met in July. On July 3, John Fullmer, in the House of Representatives, moved that the following resolutions be transmitted to the Senate for its concurrence:

Resolved, that the General Assembly of this State, memorialize the Congress of the United States, for a State, or Territorial Government.

Resolved, That a select committee of three, on the part of the House, and of two, on the part of the Senate, be appointed to meet in joint committee, to draft said memorial.

Resolved, That the General Assembly of this State, elect a delegate to the Congress of the United States, to present said memorial, and represent the interest of this State in that honorable body.

Resolved, That the Senate meet the House of Representatives, on Thursday, the 5th inst., (the 4th being our national anniversary,) in joint ballot, to elect said delegate, in all which, the concurrence of the Senate is requested.⁴²

Almon W. Babbitt was elected as the delegate to Congress on July 5, and the last act of this session of the General Assembly was the approval of the Memorial by the Senate on July 9.

The Memorial stated that all political power is inherent in the people; that the inhabitants of any given area are best able to judge their own political needs; that the people had organized a government in the absence of any provided by Congress for the mutual interests of the people therein residing and of the government of the United States; that the influx of people resulting from the gold rush made a civil government imperative; that the location of Deseret prevented effective incorporation of the area into any state or territory; and that the population was sufficient to support a state government, thus relieving the general government of the expense of a territorial government. It concluded its appeal:

Your memorialists therefore ask your honorable body to favorably consider their interests; and, if consistent with the Constitution and usages of the federal government, that the Constitution accompanying this memorial be ratified, and that the "State of Deseret" be admitted into the Union on an equal footing with

⁴¹CHC, III, 429-430.

⁴²Abstract of Journal of the House," as found in Morgan, *op cit.*, p. 89.

other states, or such other form of civil government as your wisdom and magnanimity may award to the people of Deseret. And, upon the adoption of any form of government here, that their delegates be received, and their interests properly and faithfully represented, in the Congress of the United States. And your Memorialists, as in duty bound, will ever pray.⁴³

In a letter to Orson Hyde on July 19, 1849, The First Presidency explained the change of policy to be presented before Congress:

Ere you receive this, you will probably have commenced co-operations with Dr. Bernhisel in relation to our Territorial organization.

Since the Dr. has left, we have continued to agitate this subject until it has resulted as you will perceive by accompanying documents into a regular state organization. We could not well await the tardy operations of the Federal Government without adopting some form suited to our present necessities, and had in part adopted our present form before our last communication to you.

We have now completed our organization so far as to elect a delegate with whom we expect your co-operation in obtaining our admission as a sovereign and Independent state into the Union upon an equal footing with the original states.

That delegate is Almon W. Babbitt who is somewhat acquainted with many of the members of Congress especially on the other side of politics. This may prove beneficial to our cause, but we principally rely upon you, and consider that the Lord had directed you to pursue that course which is best calculated to give you influence with the present administration, our present object to accomplish.⁴⁴

The proposal to seek statehood for Deseret had long been the desire of the Church leadership in Kanesville, but it must have come as a real blow to Orson Hyde that Almon W. Babbitt had been selected as the delegate to Washington. The deep political wounds of the election of 1848 in Iowa, which found Hyde and Babbitt bitterly opposed to one another, had hardly had time to heal. Under Hyde's leadership, the Church at Kanesville had disfellowshipped Babbitt; Brigham Young and the council in Salt Lake restored him to fellowship and requested that Hyde "treat him as a brother." The letter of July 19 continued: "Let the past be buried in oblivion is the sentiment here, and out of seeming evil, good may be the result."⁴⁵

⁴³*Millennial Star*, XII, 24.

⁴⁴JH, July 19, 1849.

⁴⁵In a confidential letter written the following day, which is on file in the Church Historian's Office but not in the Journal History, The First Presidency was less formal and more to the point: "Now we do not care about your political differences, but wish to say confidentially to you, keep them up, outwardly for that may be good policy. But let it be distinctly understood between you and him as good brethren, that you are seeking to accomplish the same grand object namely admission into the Union as a free and independent

The next day, Brigham Young also wrote to Oliver Cowdery, who had recently returned to the Church and was living in Missouri. The President congratulated him on his decision to return to the Church, exhorted him to magnify his office, and requested his cooperation with Babbitt to obtain the admission of the State of Deseret into the Union.⁴⁶ Oliver Cowdery died at Richmond, Missouri, March 3, 1850, before he was able to offer any effective assistance.

Before the mail left the Valley the latter part of July, a number of letters were written by The First Presidency to significant Mormons in various parts of the United States, all requesting them to forget their political squabbles and unite in this great effort to achieve statehood for Deseret. Money for Babbitt's political mission in the amount of \$2,000 was requested from the Mormons who ran the ferries at the Green and Platte rivers. And Willard Richards sent a letter to Colonel Kane which explained the united efforts all should pursue to achieve statehood.

Babbitt left Great Salt Lake City for the East on July 27, 1849.

Thus, a three-pronged attack had been launched to achieve the political objective of the Mormons. Before Bernhisel and Babbitt reached Washington and the Thirty-first Congress convened, unexpectedly a fourth approach was presented to the Mormons.

John Wilson and the Deseret Petition

John Wilson, commonly referred to as "General," a Virginian who had moved to Missouri about 1820, pursued the fortunes of a Whig in Democratic Missouri. When Zachary Taylor became President, there was a "wild scramble among Missouri Whigs in 1849 for federal offices. Among the most determined was Wilson."⁴⁷ He was unsuccessful in obtaining a cabinet appoint-

state. Do not permit (trivial) matters to influence you in the least; and never, no never! no never!! again drag Priesthood into a Political gentile warfare." On July 24, similar letters were written to Nathaniel H. Felt and to "Brother Farnham," at St. Louis on the need of unity for Deseret statehood. The letter to Felt was quite explicit: "Brother Almon W. Babbitt has been elected our delegate to represent our interest at the City of Washington, the ensuing winter; and as he goes with our fellowship and by our direction we expect he will meet with friendly greetings, aid and comfort from our friends. It is earnestly desired that all difficulties originating in political differences should be buried in eternal oblivion; never permit Gentile political warfare to enter into your private circles, to cause distrust, engender strife and division in your midst. Never, no, never disgrace the Holy and eternal priesthood of Almighty God by using or exerting that influence and power to further any such purposes, let them stand or fall by their own intrinsic merits." JH, July 24, 1849.

⁴⁶JH, July 20, 1849.

⁴⁷Frederic A. Culmer, "'General' John Wilson, signer of the Deseret Petition," *California Historical Society Quarterly*, XXVI, 322.

ment and decided to emigrate to California to better his fortune. Before doing so, however, he was able to procure an appointment as Indian agent for the "Salt Lake Agency, California." There was so little known about the Indians in the region that his instructions offered little direction except that he should obtain information about the Indians.

But Wilson went west to achieve, if possible, a more important work. When he arrived in Salt Lake City on August 30, 1849, he met with the Mormon leaders and proposed that the people of Deseret join with those of California in the creation of one state from the entire territory acquired from Mexico. This proposal had the backing of President Zachary Taylor and members of his cabinet. The controversy over the expansion of slavery into the newly acquired territory was so intense that it threatened to break up the Union. If the area was made into territories, they would be under the jurisdiction of Congress and the windy debates of northern and southern Congressmen might fan the sparks of the slavery controversy to burst into the flames of civil war. The solution of the problem proposed by the Administration was immediate statehood. President Taylor and his cabinet were reported to favor the creation of two states out of the territory, but considered that the sparseness of population would prevent congressional acceptance of two states.

President Taylor's argument followed that the state should be free, and without the inclusion of the Mormons the southern sympathizers in California might frustrate this objective. The reasoning was that a free state would probably be admitted into the Union and this bone of contention would then be buried. Obviously, the Administration was using the Mormons to achieve its ends. The Mormons saw an opportunity through which they could obtain their political objectives as well, and they were eager to accept this proposal.

The First Presidency drafted a general letter on September 6, 1849, to the "Residents of California," introducing General Wilson as the "Delegate of the People of Deseret to a contemplated convention of your Citizens for the purpose of organizing a State Government for all Upper California." The Presidency solicited the cooperation of the Saints in California to aid Wilson in this proposed action.

The Presidency of the Church also wrote to Amasa Lyman, who had been sent to California on a mission to procure gold

and to handle the affairs of the Church in that area. Lyman was to act as a delegate to the constitutional convention, along with Wilson and "Brother Picket." Other delegates to represent the Mormons were to be selected by Lyman from among the California Saints. The instructions continued:

We are to have a general constitution for two States. The boundaries of the one mentioned by us, before referred to, is our State, the other boundaries to be defined by the people on the coast, to be agreed upon in a general convention; the two States to be consolidated in one and named as the convention shall think proper, but to be dissolved at the commencement of the year 1851, each one having its own constitution, and each becoming a free sovereign, independent State, without any further action of Congress.⁴⁸

Lyman was instructed to "buttonhole" the delegates to the convention beforehand and to make certain he had sufficient support for the proposal. If he were unable to get enough backing, then the delegates were to go into the convention prepared to protest the expansion of the boundaries of California into the Los Angeles and San Diego regions and other areas included within the boundaries of Deseret unless the inhabitants living in those areas objected to being incorporated in the State of Deseret.

The letter advised Lyman that he should get Samuel Brannan, his press, and as many influential men as possible to support this action. The First Presidency encouraged by the prospect that the slave controversy would bring statehood directly or through temporary amalgamation with California, cautioned Lyman as follows: "The present is a favorable moment for us to secure a State charter. Should the Wilmot proviso, or slave question, by any means, become settled before our admission into the Union, politicians might feel themselves more independent, and our interest might not lie so near their hearts." The letter was concerned, however, over the lack of sufficient population for admittance. The Presidency suggested to Lyman that he should argue that population should be balanced by other considerations such as the permanency of the settlers, the number of families, the potential migration, and so on. If these factors were considered, they believed, Deseret was more deserving of statehood at this time than was California with its larger but more transient population. Lyman was instructed to point this out to the Cali-

⁴⁸JHI, September 6, 1849.

fornians to obtain as many Mormon representatives as possible in the constitutional convention as well as a persuasive argument for temporary union of the two areas of Upper California.

The letter concluded with a paragraph of political wisdom:

Don't get too much in a constitution, lest it tie your own hands. This has been the grand difficulty with almost all constitution-makers. The grand desideratum of a constitution is to be unalterable by the power that grants it, *i.e.*, perpetual, and that the people under that constitution can alter or amend the same at their election. *But in case of a consolidated state, the constitution must bona fide remain unalterable during the consolidation.* These are the great essentials and will do well, if there is not too much of other things. But even the Wilmot proviso, and many other things, may be admitted, if necessity require, for they will find their remedy in future amendment.⁴⁹

The same month that this hope-filled letter was penned to Lyman, the independent-minded Californians were already at work in a constitutional convention. The man most responsible for this action was the military governor of California, Brigadier General Bennett Riley. When he arrived in California in April of 1849, he found a movement already underway to create a government in the San Francisco area. This resulted in the election of delegates to an assembly, but this embryonic government carried little authority and influence. Even though Riley's soldiers promptly deserted and melted into the mass of humanity seeking gold, he promptly set the wheels in motion to regularize the laws and government on the coast. He ordered an election to be held August 1, to elect delegates to a convention to meet on September 1, 1849.

The constitutional convention began September 3, and concluded its business on October 13; an election followed on November 13, and the first legislature met on December 15. When Wilson and the letter to Amasa Lyman arrived in California, a government already existed. Even so, a petition proposing the creation of a state comprised of all of Upper California was drafted and presented to the legislature during the winter of 1849-50. Governor Peter H. Burnett delivered a message to the

⁴⁹*Ibid.* Italics in original. The "Wilmot Proviso" was named after David Wilmot, an antislavery Democrat from Pennsylvania, who introduced a resolution into the House when President Polk asked for two million dollars to be used in purchasing territory from Mexico, that "neither slavery nor involuntary servitude shall ever exist in any part of said territory." The resolution passed the House, but failed in the Senate. After Upper California was acquired, any proposal to organize the territory prompted antislavery men to include the Wilmot Proviso as an absolute condition for their support.

legislature in February, 1850, in which he considered and promptly condemned each proposal of the Deseret Petition. With regard to the slavery question, he said that the people of California had settled that for themselves, and if the people of Deseret had not, it was their misfortune. He also said the two communities were too far apart to be combined even temporarily. The California Legislature, after hearing the petition and the Governor's message, rejected the proposal. General Wilson's efforts failed; the Deseret Petition was dead.⁵⁰

Deseret and the Thirty-first Congress

Dr. John M. Bernhisel, who left Salt Lake City on May 4, 1849, bearing the Memorial for territorial government and letters of introduction to Thomas L. Kane, Stephen A. Douglas and others, visited a number of communities where members of the Church were living and met with as many influential people as possible on his way to Washington. In a letter of September 10, 1849, to Brigham Young he tells of his journey eastward to New York. En route, he visited with Senator Dodge from Iowa, learned of conditions in the nation, and was briefed on the activities of Thomas Benton, Lewis Cass, Stephen Douglas and other significant politicians.⁵¹

A later letter reporting his activities tells of his journey through portions of New York, Vermont, New Hampshire, and Massachusetts. The first part of October he returned to New York, where he visited with a number of his old friends, many of whom graciously wrote letters of introduction to influential governmental officials and to members of both houses of Congress. While in New York, he had several interviews with ex-Governor Young of that state relative to the admission of Deseret into the Union. Of these interviews Bernhisel reported: "He voluntarily promised to see the members of Congress as they passed through the city, and endeavor to interest them in our behalf, and kindly furnished me with some letters of introduction, one of which was to the President of the United States."⁵²

⁵⁰JH, September 6, 1849. See also Morgan, *op. cit.*, 92-96.

⁵¹Bernhisel to Brigham Young, September 10, 1849. Letter on file in the CHO. Morgan, *op. cit.*, p. 114, states: "Bernhisel proceeded east, by a leisurely course, and on November 26, in company with Wilford Woodruff, interviewed Colonel Kane in Philadelphia." It is obvious from this letter, and others sent by Bernhisel, that this "leisurely course" was in reality a journey in which he equipped himself with the knowledge and the influence he would need to accomplish his political objectives in Washington.

⁵²Bernhisel to Brigham Young, March 21, 1850. Letter on file in the CHO.

In addition to the political influence Bernhisel was amassing, a fortuitous development resulting from the Gold Rush promised to aid the cause of Deseret. Bernhisel wrote:

In the Autumn, quite a number of letters went the rounds of the newspapers, dated at Great Salt Lake City, and written by California immigrants, containing flattering descriptions of our city and valley, and speaking in glowing terms of the kindness and hospitality with [which] they had been treated, some of them, our former enemies. These letters have removed mountains of prejudice. Some now believe us to have been misrepresented and grossly slandered, but that we should return good for evil, and treat any of our former enemies with such kindness and hospitality as we did, according to their own showing, has filled many with wonder and admiration. Others regard us as the most interesting and extraordinary people in the world. . . .⁵³

As Bernhisel kept the Mormon leadership informed of his activities, they in turn kept him aware of the developments in the Valley. When Bernhisel arrived in New York, a letter from the Presidency of the Church awaited him. It informed him that a constitution had been formed, of which he was already aware, and a state government organized. It also instructed him to apply to Congress at its approaching session for the "admission of Deseret into the Union on the same footing as the original states." He was also instructed not to deliver the letter of introduction to Colonel Kane requesting aid in behalf of the territorial Memorial. Bernhisel wrote to Wilford Woodruff on October 18, 1849, explaining these new instructions. Since he was not to deliver his letter of introduction, he added: "I shall consider myself under particular obligation to you if you will have the goodness to favor me with a letter of introduction to Colonel Kane saying that any assistance he may render me in the proposed application to Congress will [be] gratefully acknowledged."⁵⁴

Better than a letter, Wilford Woodruff introduced Bernhisel to Colonel Kane personally in Philadelphia on November 26, 1849. Kane's advice supported completely the decisions of the Presidency to seek statehood instead of a territorial form of government. He also advised them not to commit themselves to

⁵³*Ibid.*

⁵⁴Bernhisel to Woodruff, October 18, 1849. Letter on file in the CHO. Brigham Young explained the proposed union with California to Bernhisel in a letter of October 17, 1849, stating that all efforts should be energetically pursued, as "we wish a State Government as soon as possible."

any party, but pursue a neutral course in party conflicts. If statehood could not be achieved, they should make every effort possible to get the assurance of the President that they would have territorial officers of their own choice. "But if you cannot get this assurance, do not ask for a territorial government at all, but wait the result."⁵⁵

Dr. Bernhisel arrived in Washington on November 30, and took temporary lodgings at the National Hotel, which he described as "the center of politics, fashions and folly." Meanwhile, the duly elected Delegate from Deseret, Almon W. Babbitt, who left the Valley in July, was also en route to Washington. He arrived in Kanesville in September, where, on the ninth, a great celebration took place; apparently the earlier political animosities between Babbitt and Hyde were forgotten in the rejoicing over the prospects of Deseret being admitted into the Union. The traditional toasts of the day were offered, speeches given, a public dinner was served, and the celebration was topped off with a dancing party in the evening.⁵⁶

Babbitt arrived in Washington December 1, 1849, just prior to the convening of the first session of the Thirty-first Congress. He immediately called on Bernhisel, and they discussed what had been done and the course to pursue in order to accomplish the purpose of their mission. Bernhisel told Babbitt of his interview with Colonel Kane, who advised them to maintain a strict neutrality in partisan conflicts. Babbitt informed Bernhisel that he could not follow this advice, since he was already committed.⁵⁷ Babbitt, political opportunist that he was, seemed from the beginning to put his personal interests above the interests of Brigham Young and the other leaders of the Church, who desired united action to achieve statehood. Even though Bernhisel wrote to Woodruff on December 14, 1849, that "Bro. Babbitt and I get along pretty well," the effective work in Washington was to

⁵⁵JH, November 26, 1849. Of this and other interviews with Kane, Bernhisel wrote: "At Philadelphia I had several interviews with Colonel Kane who spoke in terms of admiration of President Young and the people, and said that his feelings had undergone a change, and that he was a better man since his visit to Council Bluffs; he is an ardent friend, and took a deep interest in our proposed application to Congress, and kindly promised to write to some of the members in relation to our admission, and to send me a few letters of introduction to representatives in both Houses of Congress. The Colonel is in point of intelligence above mediocrity, and is a shrewd politician." The Colonel's help was most significant, not only in letters of introduction, but in his personal work in behalf of Deseret. His address, *The Mormons*, delivered before the Pennsylvania Historical Society on March 26, 1850, was undoubtedly of great importance also.

⁵⁶*Frontier Guardian*, September 19, 1849.

⁵⁷Bernhisel to Kane, December 4, 1849. Letter on file in the CHO.

be accomplished by Bernhisel, the Mormon lobbyist, not Babbitt, the Delegate from Deseret.⁵⁸

An even greater conflict promised to affect the chances of statehood for Deseret. The extension of slavery into the territories had been resolved in the Missouri Compromise of 1820, which allowed Missouri to enter the Union as a slave state but divided the remaining Louisiana territory at the 36° 30' parallel: south of the line to be slave, north of the line to be free. The issue of slavery generally grew more tense each year following the Missouri Compromise, but the focal point of conflict prompted by the acquisition of Texas and Upper California was the extension of slavery into newly acquired territory. The agitation of the abolitionist societies in the North had entrenched the Southerners more firmly as apologists for slavery. North and South faced each other more convinced than ever of the "righteousness," to say nothing of the legality and constitutionality, of their respective causes.

When Congress met on December 3, 1849, the national conflicts were to be discussed, debated, and hopefully resolved by the honorable Senators and Representatives of the United States. The Thirty-first Congress promised to be a momentous one. Some of the grand old men of politics were there, such as Daniel Webster, Henry Clay, and John C. Calhoun. There were also younger men who were to play a dominant role in politics in the years to come, including such men as Salmon P. Chase, Wm. H.

⁵⁸Morgan, *op. cit.*, pp. 116, 117, sums up the work of Babbitt as follows: "Babbitt seems to have been more a detriment than an aid to the Mormon cause. He had been selected because of his extensive political experience, but the labors of Dr. Bernhisel indicate that personal integrity was a more valuable quality in a delegate than experience." Colonel Kane, writing Brigham Young from Philadelphia on September 24, 1850, remarked that the Mormon interests had suffered by the improper conduct of Babbitt, and advised against returning Babbitt as delegate to Congress. Kane declared that the qualifications of a delegate should include correct deportment, discretion, and a good reputation, especially if he were representative of the Mormons, who must be judged by their agents, and that a delegate could do much harm if he were either ashamed of his religion or a shame to it. Babbitt's conduct, Kane continued, had been such as to lose him the confidence of both parties. "The Democrats joined with the Whigs in the personal disrespect which was shown him in the House." Kane further remarked that Babbitt was the first Mormon agent he had ever found faithless or inadequate, and that he desired it recorded to the Mormon honor "that throughout my entire course of action in your behalf, I have ever only needed to call for the assistance of the authorized members of your Church, to be sure of engaging assistants conscientiously prompt, active and careful. Of the gentleman, for instance you fortunately sent to Washington before Mr. Babbitt, I have had ample opportunity to prove his worth. Without any previous preparation for political life, and aided only by his own modest good sense and careful purpose to do right, Dr. Bernhisel has shown himself the equal of every occasion that has offered, while the uniformly upright deportment and gentlemanly demeanor that earned for him his personal influence, were an encomium upon the principles he on no occasion hesitated to avow." JH, September 24, 1850. Orson Hyde, who was periodically perturbed with the political activities of Babbitt, wrote on December 29, 1850: "Bro. Babbitt, I believe, is a good hand to manage a dirty law suit, but I think, for a representative, you can send a man to Washington who will do you and himself more honor than Mr. Babbitt." JH, December 29, 1850. But even Bernhisel, who was restrained in his criticism of his coworker while in Washington, confirmed the criticisms of Babbitt when he returned from the East: "The Senators in Congress could not comprehend how we came to elect such an immoral man as Babbitt for our delegate." JH, July 19, 1851.

Seward, Stephen A. Douglas, Thaddeus Stevens, Charles Sumner, and Jefferson Davis. The Congress of the United States was comprised of some of the most competent men of the nation in the mid-nineteenth century, yet the sectional conflict was so deep and intense that the common conversation of the day was the impending breakup of the Union.

It was in the House of Representatives that the magnitude of the conflict could be readily detected. The first order of business of the House was to elect a speaker. From December 3, until December 22, it was the *only* order of business, and during this period, the House had sixty-three successive votes before a speaker was elected. Even then, the rules were changed to permit the speaker to be elected by a plurality instead of a majority vote.⁵⁹

Bernhisel gives an interesting eyewitness account of this action:

The House of Representatives after spending three weeks, at an expense of three thousand dollars per day, in unavailing attempts to choose a speaker, elected the Hon. Howell Cobb of Georgia on the 22nd of December. The noise and confusion which prevailed during part of some of the sittings of the House, while the election was pending, beggars all description. Very inflammatory speeches were delivered, and threats very freely made by Southern members, of dissolving the Union in the event that the "Wilmot Proviso" should be passed, or slavery abolished in the District of Columbia. At one time the opprobrious epithet liar was bandied about between Mr. Meade of Virginia and Mr. Duer of New York, when the former rushed toward the latter, but other gentlemen being near, a collision was prevented. A scene now ensued that may be more easily imagined than described. The Lord has indeed and in truth come out of his hiding place to vex this nation in the persons of its representatives.⁶⁰

During this period in December when legislative action was blocked, Bernhisel continued to meet politically influential people in the best lobbying fashion. It is obvious from a list of his contacts that he was neutral in his politics and industrious

⁵⁹*House Journal*, 31st Cong., 1st Sess., pp. 3-164. On December 24, "On motion of Mr. Jacob Thompson, it was ordered, that a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and Howell Cobb, one of the representatives from the State of Georgia, has been chosen Speaker; and that the House is now ready to proceed to business; and that the Clerk do go with said message." *Ibid.*, p. 167.

⁶⁰Bernhisel to Brigham Young, March 21, 1850. Letter on file in CHO. In a letter to Woodruff on December 10, 1849, he said, "The report this morning is that Mead will challenge Duer to mortal combat, and in the event of his declining which Madam Rumors says he will, then he (Mead) will attack him in the street or wherever he may meet him. This will be an exciting and stormy session, and if their be not some duels fought, I shall be disappointed."

in his work. He explained his activities to Brigham Young: "I met General Cass at his invitation in the Senate Chamber on the first day of the session, and was introduced to the Vice President, Mr. Calhoun, and a number of other Senators. The Vice President kindly granted me the privilege of the floor of the Senate during my sojourn in Washington, a privilege which is only extended to . . . a few . . . distinguished personages. On the same day I was also admitted to the privileged seats on the floor of the House of Representatives." He hastened to add in his letter:

I wish it to be distinctly understood that I do not mention these attentions, and these privileges which were extended to me from motives of vanity or egotism, for no one can be more aware than myself, that they were not extended to me on account of my own personal character, but they were on your account, and on account of the great people whose humble agent I am. I also mention them to show that the prophecy which you delivered in the Council in regard to my reception at Washington has been literally fulfilled. Since my arrival here, I have been quite busy among the grave Senators, the impulsive representatives of the people and other functionaries. I took high ground, and did not experience any difficulty in making the acquaintance of all the leading men in both Houses of Congress, and that of a host of other members, though not particularly distinguished, yet highly respectable and influential.⁶¹

More specifically, he informed the members of Congress about Deseret and about the desire of the people to be admitted as a state; and he distributed copies of the Memorial and the Constitution of Deseret among them. He contacted the Cabinet officers for the same purpose. He sent copies of the Memorial and the Constitution of Deseret to the editors of the leading journals in Washington and to the editor of the *New York Herald*. On December 13, he had a "long and pleasant" interview with Senator Douglas. The Senator advised Bernhisel to apply for admission as a state or a territorial government, and

⁶¹March 21, 1850. Letter on file in the CHO. Bernhisel never missed an opportunity to promote the gospel as well as Deseret among the dignitaries of Washington. "I also presented a copy of the Book of Mormon to the Library of Congress, which was gladly received, and I was requested to present copies of all our publications. During the past winter I occasionally visited Mrs. McLean, the lady of Judge McLean of the Supreme Court of the United States, at her own request, to instruct her in the principles of the gospel, and explain to her some other points of our faith and doctrine. I favored her with the perusal of the Voice of Warning, Spencer's Letters, the Book of Mormon, the Book of Mormon Proved, and an excellent little pamphlet, entitled, 'Was Joseph Smith Sent of God.' She read them she says with deep interest, though she is not yet fully satisfied of the authenticity of the Book of Mormon. She says too that she is impressed with the beauty and purity of our religion; that she cannot conceive [sic] why we should be so grossly slandered, and cruelly persecuted; and expressed her surprise that people should condemn us without investigating our creed. I have preached the gospel to members of Congress and others whenever a favorable opportunity presented itself, and distributed the excellent little tract by Elder Parley P. Pratt."

leave the alternatives with Congress. Douglas added that such a proposal would show that the Mormons were ready to defray the expenses of a state government, but willing to accept a territorial government, and that this course would be manly and honorable.⁶²

On December 24, President Zachary Taylor was also informed of the organization of the House, and his State of the Union message of December 4, was received and read before a joint session of the Congress. His recommendations relative to the organization of the territory acquired from Mexico were brief, and nothing at all was mentioned concerning Deseret. The intensity of the slavery controversy was registered in his remarks, but the proposals that he offered demonstrated that little guidance could be expected from him:

No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in convention, for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the constitution of the United States, I recommend their application to the favorable consideration of Congress.

The people of New Mexico will also, it is believed, at no very distant period, present themselves for admission into the Union. Preparatory to the admission of California and New Mexico, the people of each will have instituted for themselves a republican form of government, "laying its foundations in such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

By awaiting their action, all causes of uneasiness may be avoided and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing "any ground for characterizing parties by geographical discriminations."⁶³

⁶²Bernhisel to Woodruff, December 14, 1849. Letter on file in the CHO. In this letter Bernhisel wrote: "The petition for a territorial government to which the signatures are affixed will not be presented to Congress, but the memorial accompanying the Constitution which asks for our admission as a state, or for such other forms of government as Congress may grant us." At this early date, however, his interviews with significant men in Washington had convinced him that the prospect for statehood was small, indeed, but for territorial government, good. If territorial status is granted, he wrote Woodruff, "I shall do all I can to have President Young appointed governor, and such other officers as will be acceptable to the people."

⁶³*House Journal*, 31st Cong., 1st Sess., p. 177.

Stephen A. Douglas presented to the Senate the Memorial and the Constitution of Deseret on December 27, 1849. He asked for the admission of Deseret into the Union as a "State, or the organization of a Territorial Government by Congress."⁶⁴ He also moved that the Memorial and Constitution of Deseret be referred to the Committee on Territories, of which he was the chairman, which after some objections was agreed to on January 22, 1850.⁶⁵

On January 3, the Honorable Linn Boyd of Kentucky presented the Memorial and the Constitution to the House, and moved their reference to the Committee on Territories, which was not accepted until January 28, because of objections. On January 28, Mr. Boyd also presented the "Memorial of Almon W. Babbitt, delegate elect of the Territory of Deseret, praying that he may be admitted to a seat in the House of Representatives of the United States; which was referred to the Committee on Elections."⁶⁶

In the midst of this action in behalf of Deseret, a disconcerting and damaging remonstrance was introduced into the Senate by Joseph Underwood of Kentucky. It was signed by William Smith, the brother of the Prophet, and Isaac Sheen, who represented themselves as the legitimate presidents of The Church of Jesus Christ of Latter-day Saints, and twelve others who claimed to be members.⁶⁷ The remonstrance charged that 1,500 of the Mormons took an oath before leaving Nauvoo to avenge the "blood of Joseph Smith upon this nation."⁶⁸ The petition charged the Mormons with the intent to unite church and state and to establish a new order of "political popery" in the Rocky Mountains. It stated further that the Mormons practiced polygamy, kept women in bondage, and were guilty of various offenses and crimes; and it asked Congress to establish a system of government which could prevent these offenses.⁶⁹

Senator Underwood also read before the Senate a newspaper article which charged the Mormons with seizing and subjecting

⁶⁴*Senate Journal*, 31st Cong., 1st Sess., p. 33.

⁶⁵See *Congressional Globe*, XXI, 86, 87, and 211.

⁶⁶*House Journal*, 31st Cong., 1st Sess., p. 414.

⁶⁷*Senate Journal*, 31st Cong., 1st Sess., p. 38.

⁶⁸*Congressional Globe*, XXI, 92. The remonstrance claimed the oath was taken in the Nauvoo Temple and was as follows: "You do solemnly swear in the presence of Almighty God, his holy angels, and these witnesses, that you will avenge the blood of Joseph Smith on this nation, and teach your children; and that you will from this time henceforth and forever begin and carry out hostilities against this nation and to keep the same intent a profound secret now and forever. So help you God."

⁶⁹William Smith, "Deseret, Remonstrance of William Smith, *et al.*, of Covington, Kentucky," *House Miscellaneous Documents*, 31st Cong., 1st Sess., Document No. 43.

Copied from original, Jan 1, 1850.

To his Excellency Zachary Taylor, President
of the United States of America

Your petitioners respectfully represent that
whereas efforts are now being made by the
Salt Lake Mormons, to obtain (by false represen-
tations and fallacious pretensions) from the

Government of the United States, a state organ-
isation, to be called the State of Deseret, and
whereas we believe that it would be highly de-
trimental to the best interests of our country
to comply with their request, and whereas we
believe that a territorial government would
protect the inhabitants of the Salt Lake set-
tlement from the tyrannical designs of their
present rulers, we do therefore respectfully beseech
your Excellency, to exercise that power which you
are invested with, (if it should become necessary)
to prevent the organisation of the State of Deseret.

.....

The Salt Lake settlement is
like Sodom and Gomorrah. Many of its in-
habitants would rejoice if they could extricate
themselves from the miseries, cruelties and
degradation in which they are placed by the
stratagems and deceit of these task masters.
Lord, Lord your aid, O merciful President of Re-
publican America and save the helpless females
from a state of licentiousness, degradation and
vice. Many of them have been flagrantly deceived
by the false pretences of these sacerdotal hypocrites.
Save the rising generation of that land from be-
ing trained up in such a sink of corruption,

Letter to Zachary Taylor from William Smith and Isaac Sheen

blasphemy and treason. If a territorial government is established in that land we hope that

Governor will be appointed who is not a Salt Lake Mormon, and that all the office holders in that territory may be men who are opposed to Salt Lake Mormonism

This is the prayer and petition of the true and lineal presidency of the church of Jesus Christ of Latter Day Saints, and as in duty bound your petitioners will ever pray.

William Smith
Isaac Sheen

Presidents of the church of Jesus Christ of Latter Day Saints.

We the undersigned, citizens of the United States, and members of the church of Jesus Christ of Latter Day Saints, in Covington Kentucky, do hereby express our concurrence in the sentiments contained in the above petition, and we respectfully request your Excellency to grant the prayer in the above petition, and your petitioners as in duty bound will ever pray.

William Gay Jarman
George Bailey
Clem Foudie
Oth Hobart
Joseph Hobart

William Caldwell
Silas Caldwell
John Culbertson

George Culbertson

to trial two Indian agents who were thought to have participated in driving the Mormons from Missouri. It also claimed that the Mormons imposed import duties on all goods imported into the Salt Lake region from the United States.⁷⁰

Bernhisel wrote to Brigham Young that Senator Underwood was "a good deal excited," and thought the charges in the remonstrance ought to be investigated. "These proceedings," Bernhisel continued, "created quite a sensation in both wings of the Capitol, and were ugly things to face in the midst of the collected wisdom of the nation."⁷¹ He had an interview with Underwood the next morning, and found it was difficult to erase the belief that these charges were true. He experienced the same difficulty with John Wentworth of Illinois, who introduced petitions on February 25 against the Mormons from William Smith and others purporting to be residents of the state he represented. There were many other members of Congress who were at first inclined to believe these complaints against the Mormons. Even so, Bernhisel worked diligently to combat the charges, and quite effectively eliminated much of the hostility the Smith petition had engendered among Washington dignitaries toward the Mormons.⁷²

Prompted by a resolution submitted December 31, 1849, to the House of Representatives by Mr. Abraham Venable which requested President Taylor to explain what administrative action had been pursued to organize Upper California, the President justified his support of immediate statehood for the area because of the slavery question: "In advising an early application by the people of these Territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States." He advised Congress that California had formed a constitution and recommended that it be admitted as a free state without imposing restrictions on its "domestic policy."

⁷⁰*Congressional Globe*, XXI, 92. Senator Douglas had had an interview with Almon Babbitt in which Babbitt explained that the charges were imposed on Mormons as well as California immigrants, and only in Salt Lake City, to help defray the costs of government. Douglas explained this to the Senate and said: "I felt it due to the Senate, to the country, and to these people, to make this explanation, that it might go out with the statement of the Senator from Kentucky." The Memorial was then referred to the Committee on Territories. Even though Colonel Kane had told Bernhisel and Woodruff that Douglas would not help them, it should be noted to his credit that he gave material aid throughout the session.

⁷¹Bernhisel to Young, March 21, 1850. Letter on file in the CHO.

⁷²Bernhisel said that William Smith sent so many petitions and they were so extreme in their content that "they have overshot their mark." A significant break came in the spring of 1850, when Isaac Sheen wrote letters to Representative Stanton and Senator Underwood repudiating William Smith and withdrew his accusations against the Mormons.

As to the rest of the area, the President felt less urgency in congressional action. He said:

The part of California not included in the proposed State of that name, is believed to be uninhabited, except in a settlement of our countrymen in the vicinity of Salt Lake. . . . No material inconvenience will result from the want, for a short period, of a Government established by Congress over that part of the Territory which lies eastward of the New State of California. . . .⁷³

Congress accordingly took its time about enabling legislation for Deseret. It also delayed action on the petition of Babbitt for a seat in the House of Representatives until April 4, when the Committee on Elections reported "it is inexpedient to admit Almon W. Babbitt, esquire, to a seat in this House." On motion by William Strong of Pennsylvania, the report of the committee was made the special order of the day for April 29. This action was delayed further until July 20, 1850, when a heated debate resulted from the proposal to vote on the committee's report. Mr. Hugh Smith, delegate-elect from New Mexico, had been refused a seat the day before. Mr. William Bissell, from Illinois, regretted the action of the House in refusing to admit Mr. Smith and favored the admission of Babbitt. He believed that this would be the last opportunity to provide a government for the territory. He said: "Therefore Mr. Babbitt should be admitted. He cared not if those who had sent him were Mormons. It was sufficient for him to know that they were American citizens."⁷⁴

Mr. Abraham Venable of North Carolina said:

I can assure the gentleman from Illinois, [Mr. Bissell], that the applicant loses nothing, in my estimation of his claim to a seat here, that he represents a Mormon community. No, sir, the religious tenets of that remarkable people do not enter into the elements of my opposition to the seat of Mr. Babbitt on this floor. To Jews, Turks, Christians or Mormons, I would award the same right, and the same privileges, and I could not perceive the necessity of his appeal to us in order to avoid the effect of out of door influences, created by prejudices against the Mormons, I know nothing of them but the extraordinary fact that they have a power of organization, which can collect the idle, the vicious, and the unproductive, and make in a short time a most prosperous community. There is something to be admired in that result at least.⁷⁵

⁷³*Congressional Globe*, XXI, 195.

⁷⁴*Ibid.*, pp. 1418-19.

⁷⁵*Ibid.*

In spite of these laudatory comments about the Mormons, he opposed Babbitt's admission, and the debate generated more heat because it included religious considerations.

Mr. Charles Sweetser, from Ohio, gave an impassioned speech in support of the admission of Babbitt. He pointed out the persecution which the Mormons experienced, the fact that their appeals to the general government had heretofore gone unanswered, and the significance of the material aid they had given in the Mexican war and to California immigrants; and he alluded to the cause of most problems during this troubled session of Congress: the extension of slavery into the Mexican cession. A North-South debate flared for the moment between Sweetser and Venable, the latter being supported by Richard Meade of Virginia, who asked Mr. Sweetser: "Does the gentleman prefer the 'Wilmot proviso' to the Union? Would the gentleman dissolve the Union rather than give up the 'Wilmot proviso'?" Mr. Sweetser replied that he did not, but that he also did not want to see the "peculiar institution," slavery, extended into the territory.

The tense debate, which pertained to religion and slavery as well as the technical legal reasoning for not admitting Babbitt, was brought to a halt by the gavel of the chairman of the Committee of the Whole, and a vote was taken on the resolution of the Committee on Elections. Babbitt was refused a seat by a vote of 104 to 78.⁷⁶

Dr. Bernhisel, meanwhile, was busy meeting the men whose votes would determine the fate of Deseret. He found that Henry Clay was "still writhing under the infliction of a certain letter [from Joseph Smith] which was addressed to him in the Spring of 1844." Clay told Bernhisel that the people in the Salt Lake area would have to be content with a territorial government for a while, but added that he had no prejudices which would prevent him from working for their welfare and happiness.⁷⁷

Bernhisel had several interviews with Daniel Webster and found him very curious about Deseret. Bernhisel had the opportunity to inform him about the country, the climate, the customs of the people, and so on, which information undoubtedly contributed to the position that Webster took in his famous "Seventh

⁷⁶See *Ibid.*, pp. 1418-23, for a more complete account of the debates and controversies raised.

⁷⁷Bernhisel to Young, March 21, 1850. Letter on file in the CHO. The quotations of Bernhisel resulting from these interviews with the significant politicians of Washington are all taken from this lengthy and informative epistle unless otherwise noted.

Washington City March 21, 1850.

President Brigham Young,

Dear Brother,

... At Philadelphia I had several interviews with Cal. Hane who spoke in terms of admiration of President Young and the people, and said that his feelings had undergone a change, and that he was a better man since his visit to Council Bluffs; he is an ardent friend, and took a deep interest in our proposed application to Congress, and kindly promised

.....
to write to some of the members in relation to our admission, and to send me a few letters of introduction to representatives in both Houses of Congress. The Cal. is in point of intelligence above mediocrity, and is a shrewd politician.

.....
It would afford me pleasure to be able to give you an abstract of some of the conversations I have had with a few of the most distinguished men at Washington, but this communication has already grown to such an enormous length, that I must content myself by stating a remark or two made by each of them. I will commence with Mr. Clay who is still writhing under the infliction of a certain letter which was addressed to him in the Spring of 1844. After making a number of inquiries relative to the

Salt Lake Valley, and the adjacent regions, he observed that we should have to be content with a territorial government for a while, and added, that he had no prejudices which would prevent him from doing us justice, or doing anything for our welfare and happiness. I presented him with a copy of the constitution of Deseret, and a copy of Elder Bull's tract. At my last interview with Mr. Washburn, he was very desirous of obtaining information in regard to the whole of Deseret, intimating that there was scarcely anything known here respecting it, and after making a number of minute inquiries, he requested me to write him a letter, communicating the information he desired, and he would have it published. I answered that if he would address a note to me, propounding interrogatories on such subjects as he desired information, that I would endeavor to answer them which he said he would do. Mr. Callhoun having made a number of inquiries, at my first interview with him, respecting the valley and Great Basin, said that we ought to get dromedaries to cross the plains, and then observed that the Constitution & sovereignty of the United States were extended over a territory, and that the inhabitants (nat. people) could not frame a constitution and organize a State government, until that sovereignty was withdrawn, and then the people could form a constitution and State government, and come into the Union, or remain an independent State at their option, but for the inhabitants of

a territory to form a constitution and State government before the sovereignty of the United States was withdrawn, was revolutionary, and would be treasonable, if it were so designed. This he said was the Southern view of it, and a beautiful theory it was; and it had been the practice of this Government. The South being the weaker party, and obliged to act on the defensive, had remembered it, but the North had forgotten it. He then said the North wants to dodge the slavery question, that is mean, and then added, the South never dodges. He observed that we should have the same chance as other territories. I presented him with a copy of our constitution. Mr. Calhoun is an affable and agreeable man, and has the keenest and most piercing eye I have ever seen; and he is unquestionably possessed of extraordinary intellectual powers.

It is a "fixed fact" that they will not admit us into the Union as a State, and what kind of territorial Government they will give us, is yet a matter of uncertainty; though a majority seemed to be disposed to give us one, but it is within the range of possibility that they may not grant us one at this session. The two great political parties of the country being nearly equally divided, I made it a point, not only during my travels last Summer and Fall, but since my arrival in Washington, not to make slavery nor politics a point; and I am happy to be able

to inform you that this cause has met the approbation and sanction of our best friends both in and out of Congress, among whom are the Hon. Sumner, Smith, Judge Douglass, and Col. Flane. The present incumbent of the Presidency aspires to a re-election. I addressed a hasty note to you on the 5th instant, for if I should be detained here another winter, I shall be very desirous to hear from you, and I shall endeavor to present your answer from going to the General Post Office if I am not here, and I anxiously hope I shall reach the valley before the ensuing winter. With sentiments of great respect,
 I am Yours fraternally,
 John M. Bernhisel.

*Letter to Brigham Young from John M. Bernhisel, March 21,
 1850, Continued*

of March speech" in which he appealed to the North to forego its insistence on the Wilmot Proviso because the issue of slavery in the territory was settled forever by the "law of nature."

One of the most impressive men Bernhisel interviewed was John C. Calhoun. He maintained that the people in the territory could not draft a constitution, form a state government, and come into the Union because the Constitution and the sovereignty of the United States were extended over the area, and to do so before the "sovereignty of the United States was withdrawn, was revolutionary and would be treasonable. . . ." He did feel, however, that Deseret should have the same chance as any other portion of the territory. Bernhisel observed that "Mr. Calhoun is an affable and agreeable man, and has the keenest and most piercing eye I have ever seen, and is unquestionably possessed of extraordinary intellectual powers."

Lewis Cass told Bernhisel that California would be admitted into the Union, but Deseret might not be because of the controversy over slavery. He said, however, "I shall go for a State, your folks can manage a State as well as anybody else."

Bernhisel had a pleasant interview with Senator Thomas Benton, who also was of the opinion that a regular mail service, a railroad, and a common road should be established. He believed it was clear that the people in the Valley should have a territorial government, but he said, "I do not like the name Deseret, it can never go on the statute book, it sounds too much like desert, and that sound is repulsive."

Many of the dignitaries interviewed objected to the name Deseret. Senator Douglas insisted that the name be changed to Utah. But there were more fundamental objections than the name of the territory. Many of the northern Congressmen objected to the admittance of Deseret because the constitution did not prohibit slavery. Senator William H. Seward "asked whether we had not some slaves in the Valley, said that he had understood that we had, and that he was very tender on that subject." Senator Salmon Chase of Ohio disliked the statement in the Declaration of Rights, that all men *should* be born free and equal, instead of *are* born free and equal.

These interviews, which Bernhisel had with many of the most important people in Washington, convinced him that Deseret would not be admitted as a state on an equal footing with the other states in the Union. The two proposals he found most encouraging were those of Senators Stephen A. Douglas and Truman Smith. They had similar plans to legalize the Deseret constitution and the provisional government, and to authorize the people to elect their own officers and a delegate to Congress. They proposed that the federal government pay for the costs of government. Bernhisel was enthusiastic, but Babbitt felt that they should ask for nothing more than a territorial form of government.⁷⁸

In a letter to Brigham Young on March 5, 1850, Bernhisel wrote:

I am opposed to accepting such a form of government, unless instructed to do so by you, for I am thoroughly convinced from my knowledge of the views and feelings of the President and his Cabinet, that they would not nominate the present officers, nor any persons that we should select, and if they did, the Senate would not confirm them. There is already a number of hungry

⁷⁸JH, March 5, 1850. An explanation of why Babbitt should take this position is suggested in a letter from Orson Hyde to Brigham Young: "I am told by Daniel F. Miller that Mr. Babbitt is leaving no stone unturned, in the various log-rolling operations to get the appointment of 'governor of Deseret' in the event of that organization being legalized at Washington. . . . Mr. Babbitt has many good qualities, yet his vanity, and great desire to be conspicuous himself, sometimes lead him to do great injustice to his real friends." JH, April 25, 1850.

office hunters waiting for the offices of the territories, if they should be organized. I feel entirely unwilling to run the risk of having a set of whippersnappers or broken down politicians to tyrannize [sic] over us. . . .

He concluded that if they could not obtain a government at least as liberal as that proposed by Senators Douglas and Smith, then it would be better to "continue our provisional government, and enjoy peace and quiet, until our population is sufficiently large to entitle us to admission into the Union as a State."⁷⁹

Later in the month of March, Bernhisel had another interview with Senators Douglas and Smith. Douglas expressed his opinion that his earlier suggestion to legalize the provisional government would not be acceptable to Congress, and that it would not help to withdraw the application for statehood because the members of Congress considered it their duty to organize the territory. Douglas also said he did not believe the President would appoint members of The First Presidency or the Quorum of the Twelve to positions in the territorial government. Bernhisel was sorely disappointed.

Senator Smith said that he had a plan "to introduce a bill about half as long as his little finger into the General Appropriation bill, appropriating a sum of money to be placed into the hands of the President to pay the present officers of Deseret." This, he said, would legalize the present government; but he added that he would not introduce this bill until near the close of the session, and he asked Bernhisel if he would support his plan. Bernhisel wrote to Young: "I answered promptly and emphatically that I would, and that I believed that I should be sustained by the people in the Valley. I am not only desirous, but exceedingly anxious, to obtain any form of government that will permit us to govern ourselves."⁸⁰

By March, 1850, it was recognized by Bernhisel that statehood was out of the question, and a special form of territorial government was unlikely. Almon W. Babbitt was absent from Washington on a journey to Nauvoo and Council Bluffs; Colonel Kane was ill and unable to continue the work for Deseret which he had done previously; and with the admission of Senator Douglas that his plan for a special territorial government would not be acceptable to Congress, Bernhisel must have felt pretty much alone. He wrote to Brigham Young:

⁷⁹JH, March 5, 1850.

⁸⁰JH, March 27, 1850.

The object of my mission has caused me no little anxiety since my arrival in Washington, but I know the hearts of all men are in the hands of the Lord, and he can turn them whithersoever he will; and whatever the result of our application to Congress may be, I most firmly believe that it will redound to the good of his chosen people. The probability is that Congress will not adjourn until September or perhaps October, and I begin to fear that I shall be detained here until it is too late to return to the Valley this season. If Congress grants us but an ordinary territorial government, I need hardly say to you, that I shall use my best endeavors to have the officers of the provisional government appointed to the offices of the territorial.⁸¹

As the spring rolled on, Bernhisel painfully realized that the fate of Deseret was inextricably caught up in the web of animosity spun by both the North and the South:

The great and grave question of slavery which now agitates the country, and which I believe with all the conviction my mind is capable of entertaining, will never be settled, and will sooner or later shake this Union to its centre; and as revolutions never roll backward, may break into as many fragments as there are states composing it. It has been the standing topic of discussion in both wings of the Capitol since the commencement of the session, and is likely to be during the remainder of it. It was brought to bear upon the election of the Speaker, and since then in some shape or form upon almost all subjects of legislation, though these have been "like Angles" [sic] visits few and far between.⁸²

The Compromise of 1850

The aged Henry Clay presented to the Senate, on January 29, a series of resolutions which was to form the basis of compromise in this controversy posed by the Mexican cession. He hoped that his plan would restore "the peace, concord, and harmony of the Union" for another thirty years, the length of time that the Missouri Compromise had lasted. It contained the following proposals:

1. Permit California to enter the Union as a free state.
2. Establish territorial governments without any restriction as to slavery in the rest of the territory acquired from Mexico.
3. Set reasonable limits to the western boundary of Texas.
4. Compensate Texas for lands yielded to New Mexico by assuming the public debt of Texas, incurred prior to annexation.
5. Agree that slavery in the District of Columbia may not be abolished without the consent of Maryland, the people of the District, and without just compensation to the slave owners.
6. Prohibit the slave trade in the District of Columbia.
7. Enact a more stringent fugitive slave law.

⁸¹*Ibid.*

⁸²Bernhisel to Brigham Young, March 21, 1850. Letter on file in the CHO.

8. Assert that Congress has no power to interfere with the slave trade between the states.⁸³

These resolutions touched off one of the great debates in the history of Congress, one which lasted from the end of January until the middle of September. Clay began the debate with a defense of the Compromise which attempted to bring the extremists of both the North and South together. It was a conciliatory appeal to Congress and the country to stop the intemperate slavery speeches which could very well bring on civil war.

Daniel Webster became the champion of compromise in the North. He denounced the abolitionists for the furor they were creating and appealed to the North to forego its insistence on the Wilmot Proviso. He solemnly charged those in Congress: "Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this constitution, and the harmony and peace of all who are destined to live under it."⁸⁴

In the early months of the Thirty-first Congress, neither Clay nor Webster won the extremists of their respective areas to their proposals of compromise. Northern antislavery men maintained that Congress was constitutionally justified in excluding slavery from the territories and should act accordingly. Southern extremists held that the Constitution recognized and protected slavery in some of the states and that it would also protect the property rights of slave-owners in the territories. The position of the South, however, was best expressed by Jefferson Davis when he announced his willingness to extend the line of 36° 30' separating slave from free in the Louisiana Territory across the territory acquired from Mexico. A variety of proposals was presented to Congress supporting the respective views of the extremists, as well as others for compromise.

The outbursts of the extremists heard so frequently in the early days of the session, which seemed destined to push the country to the brink of disunion, gradually gave way to more moderate proposals for a solution of the controversy through compromise. The sentiment throughout the country, prompted by a resurgence of prosperity in business, agriculture, and labor, also favored some sort of a compromise. Particularly were the northern manufacturers eager to insure the permanence of their south-

⁸³*Congressional Globe*, XXI, 246-47.

⁸⁴*Appendix to Congressional Globe*, XXII, 276.

ern markets by conciliating the South; while southern producers wanted to continue uninterrupted their lines of trade.

On February 28 Senator John Bell of Tennessee introduced another compromise proposal which also provided for a territorial government east of California. It essentially ignored the claims of Deseret:

The proposition, of course, contemplates a division of the territory at some future time, and when the settlement in it shall require. This is proposed, upon the idea that it is not proper or expedient to give any assurance to that peculiar people, the Mormons, by providing a separate territorial government for them, or to hold out any expectation that they will ever be admitted into the Union as a separate State. It may be proper that they should be admitted; But till we know more of their policy, designs, and institutions—I speak not exclusively of religious institutions—I should think that no Senator would be disposed to do more for them than to extend to them an adequate protection. The proposition in this resolution is to provide for the Mormons, and all other settlements and inhabitants as in the case of New Mexico, a form of government suited to their condition.⁸⁵

On March 8, Senator H. S. Foote of Mississippi suggested that Senator Bell's proposal be turned over to a select committee of thirteen—six from the North, six from the South, and one other chosen by the committee. This committee was given the responsibility of producing a scheme of some sort which would resolve the whole territorial question. Clay was made chairman of this select committee, and on April 18 Clay's resolutions were referred to this committee by the Senate.

On May 8 the committee of thirteen reported back three separate measures. The first, which was promptly dubbed the "Omnibus Bill," provided for the admission of California as a free state; the creation of two territories, New Mexico and Utah, without the Wilmot Proviso; and the payment of ten million dollars to Texas for the surrender of her claims to New Mexican territory. The second measure proposed a strong fugitive slave law—demanded by the South. The third item prohibited the slave trade in the District of Columbia—a sop to northern Congressmen.⁸⁶

Even though pressure to accept the Compromise in Congress and in the nation increased there were still serious obstacles to be overcome. Bernhisel, as the political midwife for Deseret, reported the painfully slow progress of Congress to Brigham

⁸⁵*Congressional Globe*, XXI, 437-38.

⁸⁶*Appendix to Congressional Globe*, XXII, 770 ff, also 944-48.

Young on May 24: "The California and Territorial questions with their adjuncts, still draw their slow length along in both wings of the Capitol. The State of California may be admitted into the Union at the present session, but this is by no means certain. The organization of the Territories is still enshrouded in doubt and uncertainty, but three or four weeks may make a material change in the aspect of affairs."⁸⁷

On July 3, Bernhisel again reported to Brigham Young on the status of the Omnibus Bill: "When California is disposed of, the territories will take their turn, but what their fate will be, no man can at present foretell." He also reported in the letter that Brigham Young had been appointed by President Taylor to take the census in the territory. Ever concerned about the success of his mission in behalf of Deseret, he wrote: "I beg leave respectfully to suggest that no person of African descent be reported as a slave. I make this suggestion, because a large majority of the members of both branches of Congress, and a vast majority of the jurists in the United States, entertain the conviction that slavery does not and cannot exist in the Territory of Deseret without the sanction of positive law, yet to be enacted."⁸⁸

One of the major obstacles to the progress of the Compromise was the continued opposition of President Taylor, who pursued his own course of action without regard for the wishes of Congress. The Mormons as well considered him to be an obstacle. Almon W. Babbitt wrote from Washington on July 7:

You will learn from President Taylor's messages that he is not our friend; this I know for myself beyond a doubt. He did say before twenty members of Congress that he would veto any bill passed, state or territorial, for the Mormons,—that they were a pack of outlaws, and had been driven out of two States and were not fit for self-government. I went to him in person with Colonel Warren and charged these sayings upon him and he owned that he had so said; and tried to reason with me in relation to the absurdity of the Mormons asking for a State or Territorial government.⁸⁹

It may have seemed providential to the Mormons and to Congress alike that President Taylor, after a brief illness, died on July 9.

⁸⁷JH, May 24, 1850.

⁸⁸JH, July 3, 1850. Bernhisel was, of course, aware that there were a few slaves in Deseret brought by the Mississippi Saints, and he did not want them listed for fear that it would block the political organization of the territory.

⁸⁹JH, July 7, 1850. Earlier, President Taylor had not been unfriendly, and the Mormons resented deeply his change of heart.

The new President, Millard Fillmore, had been impressed with the urgent necessity of adopting the Compromise measures while he was the presiding officer of the Senate. On succeeding to the Presidency, he formed a new cabinet with Webster as Secretary of State, and gave undivided support to Clay and the proposed Compromise.⁹⁰

The Omnibus Bill was the major consideration of the Senate during the month of July, and exciting and agitating debates resulted. But toward the end of the month, it appeared that the proponents of the Omnibus Bill had won the day. Amendments intended to satisfy the demands of a majority of the Senate had been worked out by its authors by July 30, and they confidently expected that the Omnibus Bill would be passed the following day. Bernhisel reported to Brigham Young as follows:

But oh! the vanity and uncertainty of all human hopes and expectations; they were doomed to meet with a sad and mortifying disappointment, for instead of passing, it was suddenly "shorn of its fair proportions," and nothing survived the wreck, but the Bill providing for the establishment of a Territorial Government for Deseret or Utah, which was immediately ordered, to be engrossed for a third reading by a vote of 32 to 18, and was on the succeeding day read a third time and passed, without experiencing any formidable opposition, or without even taking the question by yeas and nays. The Secretary of the Senate immediately afterward presented the Bill to the House of Representatives for its concurrence, where it was received with hearty laughter from all sides of the Hall, some members enquiring what had become of the Omnibus, as only one passenger had reached the House in safety.⁹¹

The Senate also had some good laughs, as well as some bitter debates, over the legislative progress of the Omnibus. After listening to the debates, proposals, objections, amendments, votes, and so on, for some time, Senator Benton of Missouri addressed the Senate:

An idea has struck me, [laughter]; that idea is this: Homer made a mistake when he thought he was writing history and attributed to the pale-faced lady—about as pale as the moon, and about as cold—the labor of unraveling every night what she had woven during the day; and my opinion is, that instead of writing history, he had a vision, and saw the American Senate legislating on the compromise bill. [laughter.]

⁹⁰Bernhisel's judgment of the new President was given in his letter of August 9 to Brigham Young: "His Excellency Millard Fillmore, now President of the United States . . . is one of the most courteous, agreeable and accomplished gentlemen whom it has been my good fortune to meet, and . . . is quite friendly disposed toward us as a people, being fully satisfied that we have been most shamefully abused and cruelly persecuted." Letter on file in the CHO.

⁹¹Bernhisel to Brigham Young, August 9, 1850. Letter on file in the CHO.

And now I wish to set myself in that fashion which is called *rectus in curia*. I wish to stand before the Senate for a man, such as I am. I think I am kindly tempered, and disposed to do pleasant things to everybody; but gentlemen of the compromising party, from the course which I have been compelled to pursue during this session, have taken up, I am afraid, an opinion that I was not kindly disposed towards them, and I now wish to give them a proof to the contrary. Their vehicle is gone, all but one plank, and I wish to save that plank for them, by way of doing homage to their work. The omnibus is overturned, and all the passengers spilled out but one. We have but Utah left—all gone but Utah! It alone remains, and I am for saving it as a monument of the herculean labors of the immortal thirteen. I am for passing Utah this instant, by way of showing homage and respect for the committee.⁹²

A little more than a decade had elapsed since the Mormons were residents in Missouri and were obligated to leave the state because of the intense feeling against them. Dr. Bernhisel did not initially expect to get support from the Congressional delegation of that state. Benton's action on the Utah bill, though given possibly for reasons other than friendship for the Mormons, was welcomed. "A wonderful change has come over the spirit of Col. Benton's dream." Bernhisel continued: "From an early period of the session he has exhibited a most gentlemanly courtesy and kindness; and not long since he extended to me an invitation to dine, to meet Col. Fremont and a small party of ladies and gentlemen. The Hon. Senator gave a very handsome entertainment, and was decidedly in favor of giving us a Territorial Government."⁹³

More surprising was the position taken by Senator David Atchison on the Omnibus. Bernhisel wrote: "I had apprehended some opposition from General, now Senator, Atchison, of Missouri extermination memory, but on the memorable day already alluded to, he said that the application of Utah was the only one becoming in a Territory of the United States to make." Senator Atchison's address to the Senate on July 31 was a notable tribute:

Now, from the beginning, the only proposition that met my approbation entirely was so much of the bill as related to Utah. She comes before Congress as a Territory should come. She asks for a government, either a territorial or a State government, as Congress may determine. She presents her constitution, saying nothing whatever on the subject of slavery. Now, I think she has a population capable of self-government, and one that merits a government, for they modestly present themselves here and ask from us

⁹²Appendix to *Congressional Globe*, XXII, 1483.

⁹³Bernhisel to Young, August 9, 1850.

a government in the form which we shall believe most proper and necessary. Utah seems to meet with favor on all hands. I have heard no opposition to the provisions of the bill, so far as she is concerned, and I think we may dispose satisfactorily of thus much of the territory which we have acquired from Mexico. There is an opposition, serious and stern, to the admission of California. Much has been said here about our delaying her admission for nine months. Yes, sir; and, unless she is admitted under this bill or a similar measure, I trust she will remain for nine years out of the Union, and forever, if my vote can produce that result.⁹⁴

Throughout the session, Bernhisel had been vitally concerned about the boundaries of the proposed territory. The members of Congress would not seriously consider the boundaries proposed by the Mormons for the State of Deseret. A number of bills had been introduced during the course of the session which proposed the natural boundaries of the Great Basin as the southern and eastern boundaries for Utah. The territorial demands of California and New Mexico could not be ignored, and Bernhisel was forced to salvage as much of the desired territory as possible. He wrote to President Young:

I labored with my pen and otherwise used my best endeavors to attain, "a consumation so devoutly to be wished," and I am gratified to be able to inform you that my efforts were crowned with complete success. The arguments employed to accomplish this important object, it is unnecessary here to recapitulate. What I wished was, that the 37th paralel [sic] should form the southern, and the crests of the Rocky Mountains the eastern boundaries, and these limits were established just before the Bill was ordered to be engrossed. For more territory I durst not venture to ask, lest we should receive none exterior to the Basin. Oregon forms the northern, and the proposed State of California the western boundary.⁹⁵

In actuality the southern boundary for the territory was formed largely as a by-product of the slavery conflict. It was Senator Douglas who pressed the settlement of the boundaries when he proposed an amendment to set the southern boundary at the 38th parallel of north latitude, instead of the "range of mountains running round and separating the waters flowing into the Colorado and the Great Basin." He said: "It is uncertain where that range of mountains is situated, and hence I have come to the conclusion to insert the thirty-eighth parallel of latitude

⁹⁴*Appendix to Congressional Globe*, XXII, 1480. As the Southerners were inclined to favor the Constitution of Deseret because it was silent on the subject of slavery, the members from the North were inclined to be opposed to the admission of Utah without including the Wilmot Proviso.

⁹⁵August 9, 1850. Letter on file in the CHO.

Washington City, August 9th 1850.

To President Brigham Young,

Dear Brother,

The Compromise or Omnibus Bill, after having been for so long a period the theme of the most exciting discussion in the Senate and its passage through that body having been almost from its first introduction, regarded as doubtful, was on the 26th ultimo so amended as to render it, as was supposed, acceptable to a majority of that august Assembly, and its authors and advocates confidently expected its adoption the following day; But oh! the vanity and uncertainty of all human hopes and expectations, they were doomed to meet with a sad and mortifying disappointment; for instead of passing, it was suddenly "shown of its fair proportions", and nothing survived the wreck, but the Bill providing for the establishment of a Territorial Government for Oregon and ~~Utah~~, which was immediately ordered to be engrossed for a third reading by a vote of 32 to 18, and was on the succeeding day read a third time and passed, without experiencing any formidable opposition, or without even taking the question by yeas and nays. The Secretary of the Senate immediately afterwards presented the Bill to the House of Representatives for its concurrence, where it was received with hearty laughter from all sides of the Hall, some members enquiring what had become of the Omnibus, as only one passenger had reached the House in safety.

.....

The Congress of the United States does not dispatch business like a certain Council I know of in the vicinity of "the remotest bounds of the everlasting hills", Congress will, probably not adjourn before the middle of September or the 1st of October. The Asiatic Cholera is prevalent in the West, especially along the Ohio River, and in Mexico. The Hon. S. W. Thurston, delegate from Oregon, desires me to present his respects to you; he says he is not acquainted with you but wishes to be.

In conclusion, I must beg you to excuse the apparent egotism in which I am aware pervades some portions of my letters. But I suppose you desire to know what I am doing, and what is transpiring here, and I cannot tell you without occasionally referring to myself.

With entire regard, Yours, very truly

John M. Bernhisel

P.S. The Oregon Boundary Bill has just passed the Senate by a vote of 30 to 20. Now for California.

Letter to Brigham Young from John M. Bernhisel, August 9, 1850

instead of that uncertain place called 'the mountains.' ”⁹⁶ It was pointed out by Jefferson Davis of Mississippi that there were Mormon settlements south of the 38th parallel. Douglas said he was not opposed to moving the proposed boundary farther south. Senator George Badger of North Carolina moved to amend the amendment of Douglas by setting the boundary on the 37th parallel. Douglas accepted the amendment. A question was raised whether or not his line would include the southern settlements of the Mormons. Jefferson Davis of Mississippi then said: “If there is, therefore, no boundary indicated by the physical geography of the country, I see no reason why we should not go down far enough to include all the inhabitants, nor why we should avoid a line which has some authority in the country, as if there were some special reasons against adopting it.” Douglas replied that he did not consider it to be a matter of the slightest importance whether they accepted the 38th parallel or the 36° 30' parallel, or any line between.

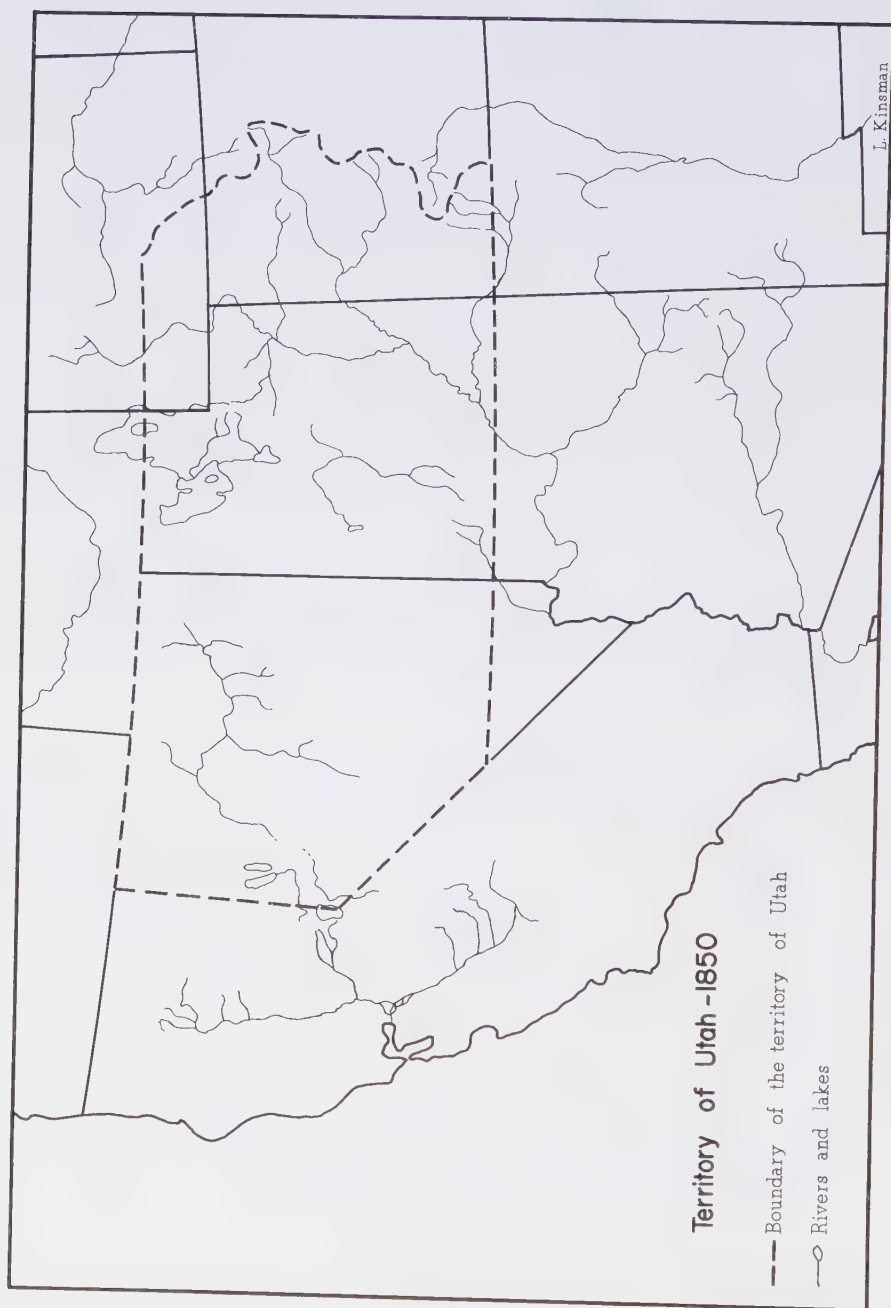
After a rather lengthy interchange between northern and southern Senators which brought forth some sharp debate, Mr. Davis offered an amendment to change the southern boundary to the 36° 30' parallel. To this, John P. Hale of New Hampshire strongly objected:

I wish to say a word as a reason why I shall vote against the amendment. I shall vote against 36° 30', because I think there is an implication in it. [laughter]. I will vote for 37° or 36° either, just as it is convenient; but it is idle to shut our eyes to the fact that here is an attempt in this bill—I will not say it is the intention of the mover—to pledge this Senate and Congress to the imaginary line of 36° 30', because there are some historical recollections connected with it in regard to this controversy about slavery. I will content myself with saying that I never will, by vote or by speech, admit or submit to anything that may bind the action of our legislation here to make the parallel of 36° 30' the boundary line between slave and free territory.⁹⁷

Senator Arthur Butler of South Carolina remarked: “I have never cared much about 36° 30', either one way or the other; but certain gentlemen seem to have a dread of everything which will recognize the rights of the South.” The edge of this controversy was taken off by some good humor being injected from

⁹⁶*Appendix to Congressional Globe*, XXII, 1481. Senator Truman Smith proposed a definite parallel as a southern boundary when he spoke at length on the Compromise bill on July 8, 1850.

⁹⁷*Ibid.*, pp. 1482-85.



both sides. After dispensing with the amendments, the proposition to set the boundary at the 37th parallel, as well as the bill to organize the territory, carried.⁹⁸

The Utah bill had emerged from the Senate as a separate act. The strategists behind the Compromise saw the wisdom of pushing all of its planks as separate bills, because of the support possible from different combinations forming separate majorities. The Senate now turned to action on a bill to admit California and another bill to settle the Texas boundary. But to Bernhisel the wheels of Congress turned ever so slowly. He watched, waited, and reported. Obviously the frustrations of being the Mormon lobbyist were weighing heavily upon him when he wrote to Brigham Young on August 9 that the "Texan Boundary Bill" had just passed the Senate and the bill to admit California would probably pass the week following—but he added: "The Congress of the United States does not dispatch business like a certain Council I know of in the vicinity of the utmost bounds of the everlasting hills." (A nostalgic reference, no doubt, to the Council of Fifty!)

The bill on the Territory of Utah, after it had been received by the House, was laid aside while the New Mexico bill and other matters were considered. It was not taken up by the House until August 28, when it was read twice, voted on affirmatively, and ordered to be printed. On September 7, Mr. Thomas L. Harris of Illinois moved the consideration of the bill to establish the Territory of Utah. Members from the North and the South both attempted to write their specific interests into the bill. The North wanted the inclusion of the Wilmot Proviso; the South wanted not only its exclusion but specific guarantees that citizens with their "property" could freely immigrate to the area and that the territorial legislature be restricted from abolishing slavery in the Territory. A variety of amendments on the subject, pro and con, were proposed, but they were all voted down; the bill, as it came from the Senate, was ordered for a third reading. "The question 'Shall the bill pass?' was taken, and decided in the affirmative—yea 97, nays 85."⁹⁹

The Compromise of 1850, as finally passed by Congress and signed into law, was in actuality five laws: 1. California was admitted as a free state; 2. New Mexico was created a territory not

⁹⁸*Ibid.*

⁹⁹*Congressional Globe*, XXI, 1772-76.

subject to the Wilmot Proviso, and Texas was paid ten million dollars for claims to New Mexican territory; 3. Utah was created a territory not subject to the Wilmot Proviso; 4. more stringent provision was made for the rendition of fugitive slaves; and 5. the slave trade was abolished in the District of Columbia.

The special forms of territorial government promoted by Senators Douglas and Smith, allowing the Mormons to choose their own officers and maintain a significant degree of local autonomy, were not seriously considered. The law creating the Territory of Utah followed established territorial precedents going all of the way back to the old Northwest Ordinance of 1787. It provided that the governor, secretary, chief justice and two associate justices, attorney, and marshal be appointed by the President of the United States with the advice and consent of the Senate. The legislative power was vested in the governor and a legislative assembly consisting of a council and house of representatives. The members of the legislative body were to be elected by the people, but the laws could be vetoed by the governor or the Congress of the United States. Twenty thousand dollars was appropriated to erect suitable public buildings and five thousand dollars was appropriated for a library.

After President Fillmore had signed the bills of the Compromise into law, Bernhisel wrote: "The long agony is over." He regretted that he was unable to retain the name of Deseret but was thankful that the slavery conflict had not blocked the organization of the territory. "Had it been believed," he continued, "that slavery existed or would ever be tolerated there, our bill never would have passed the House."¹⁰⁰

The agony was not over, nor was Bernhisel's work completed. It could be more accurately said that the agony was just beginning. Nearly a half century of agonizing federal-territorial conflict followed the Compromise of 1850. The possibility of this conflict had been foreseen by many of the Mormons, as well as Colonel Kane, who were involved in Deseret's bid for statehood. Sensing the possible problems with a territorial form of government, the legislature of the State of Deseret met in September, 1850, and drafted resolutions to the effect that Babbitt and Bernhisel should seek only statehood for Deseret.¹⁰¹

¹⁰⁰Bernhisel to Young, September 12, 1850. Letter on file in the CHO.

¹⁰¹Brigham Young to Babbitt and Bernhisel, September 10, 1850. See photostatic insert.

W.S. City Sep^r 10th 1850

Dear Sir. Enclosed you will find the resolution of the Legislature of this State in relation to a Territorial Government. Accordingly we proceed to lay before you our reasons & feelings in Governmental affairs. If Congress has passed at this present session an act for the organization of a Territory called "Utah Territory" which they have done regardless of all feelings in this matter then we have only to yield our rights in this respect to him being only among the most strict & earnest of our constituents before we have seen and we are here of our constitution we admit. If on the contrary they ^{have} not acted in relation to this subject, you will only urge our claims for admission as a State, & our claims for this cause are many & obvious. First we have such an organization being thrown together in the same way as if our people of the most in the midst of foreign lands for many years & our people are so much so that it is for our own safety & protection to have a government of our own. I repeat to you the same thing that I have said before for us of the Territory, here we are, a Territory, we are a State, we adopted a constitution, elected officers, & added laws, we are now for the support of that Government. We have Indian Institutions, we have established Institutions of learning, land and improved roads, we have built Public Buildings, explored the country & walked their own paths, & we will make it well we expect and this we can do we have a right to claim at the hands of Congress. This is what we wish you to promote relying upon your wisdom, ability and integrity we feel assured that our cause will be faithfully represented and that Congress will consider the same. We are as an humane time to account to us that Legislature which has long been withheld thus happily terminating your labors in the capacity in which you now stand, and our anxiety in relation to future years.

With sentiments of high regard we remain

Dr. J. M. Bernhisel Yours Respectfully

(1) J. M. Bernhisel

Washington, D.C.

Washington, D.C.

Not only did this action come too late, but it would have been ineffectual anyway as Congress would have organized the territory, resolutions or not. Yet there was still something of Deseret which even now might be retained—the officials.

When Bernhisel recognized that statehood or a special form of territorial status was not to be achieved, he immediately went to work to procure the appointment of the existing officials of Deseret to corresponding territorial positions. Bernhisel had ascertained that the President was friendly toward the Mormons and inclined to appoint men from among them. He told Bernhisel shortly after the Senate passed the Utah bill that “the officers, by all means, should be appointed from among your members.” At least two of the most influential members of the President’s cabinet, Daniel Webster and Thomas Corwin, also would support the appointment of Mormons to the territorial government.¹⁰²

Bernhisel also developed significant support among the senators who not only had influence with the President, but also had the constitutional power to accept or reject his nominations. In his letter of September 7 he reported:

I have recently had an interview with a distinguished Senator, who possesses great influence with the administration in regard to the proposed appointees. The honorable member expressed the conviction that we ought to have the executive officers, viz; the Governor, Secretary of the Territory, United States Attorney, and Marshal, but he seemed disposed to think that the Federal Government should have the Judiciary. I endeavored to convince him that for the sake of peace, concord and harmony, we ought to have the whole of them. Not being very decided in his opinion, he stated in reply he might yet be induced to exert his influence in favor of giving us all the officers, and promised to do all he could consistently for us.¹⁰³

Bernhisel met with President Fillmore and discussed with him the following nominations: Brigham Young, governor; Willard Richards, secretary; Zerubbabel Snow, of Ohio, chief justice; Daniel F. Miller, of Iowa, associate justice; and Joseph L. Heywood, marshal. Bernhisel wrote: “The names of the other

¹⁰²Bernhisel to Young, August 9, 1850. Bernhisel recorded the following: “The appointment of officers for Deseret has almost ever since my arrival at the seat of the Federal Government, been to me a source of much anxiety, for the late illustrious Chief Magistrate entertained strong prejudices and used some harsh language against our community. Poor man! he has gone to give an account of the deeds done in the body, and has, I doubt not, ere this learned that Mormonism, so called, is as true and enduring as the throne of the Most High.”

¹⁰³Bernhisel to Brigham Young, September 7, 1850. Letter on file in CHO.

Washington City September 12, 1850.
 To President Brigham Young,
 Dear Brother,

The long agony is over. The bill to establish a Territorial Government for Utah passed the House of Representatives on the 7th instant by a vote of 97 to 85, and has since received the sanction of the Executive, and is now a law of the land. Preferring as I do, the name of Desert to Utah, I endeavored to have it retained, and afterward to have the bill amended by restoring it, but I regret to say that I utterly failed to accomplish this desirable object which would no doubt have been very gratifying to all of us. Had it been believed that slavery existed or would ever be tolerated there, our bill never would have passed the House. California was admitted as a State into the Union on the same day.

.....

The President has requested my views in writing of the gentlemen whose names I presented to him for office. I shall comply with his request tomorrow. I have forwarded three copies of the law establishing the Territorial Government of Utah, by which you will perceive that the officers may be sworn in by a justice of the peace of your present Government. The fugitive slave bill has just passed the House. As soon as the appointments are made a messenger will be despatched to your requested Bales. I regret to learn that the Cholera is now bad at Kansasville.

Truly & Respectfully Yours
 John M. Bernhisel

Letter to Brigham Young from John M. Bernhisel,
 September 12, 1850

associate justice and of the United States Attorney I will give you in my next letter. Mr. Snow was baptized again last winter. Mr. Miller is not a member of the Church, though friendly and is known to John Smith, Patriarch, and others."¹⁰⁴

President Fillmore requested that the views of Bernhisel relative to the nomination of territorial officials be put in writing. On September 16, 1850, Bernhisel recommended the following in a letter to the President of the United States: Brigham Young, governor; Willard Richards, secretary; Zerubbabel Snow, chief justice; Heber C. Kimball and Newel K. Whitney, associate justices; Seth M. Blair, attorney; and Joseph L. Heywood, marshal. He concluded his letter with the following:

The people of Utah cannot but consider it their right, as American citizens, to be governed by men of their own choice, entitled to their confidence, and united with them in opinion and feeling; but the undersigned will add, that for especial and important reasons which grow out of the peculiar circumstances of the community of Deseret, and its government, the people are prepared to esteem as a high favor the nomination by the President of the *entire* list of officers above submitted, as it stands, *and will not fail to evince that they remember it with gratitude.*¹⁰⁵

On October 2, 1850, Bernhisel wrote to Brigham Young: "I heartily congratulate you on your appointment to the office of Governor of the Territory of Utah. Your nomination was confirmed the night preceeding the last." The other officers appointed were B. D. Harris, of Vermont, secretary; Joseph Buffington, of Pennsylvania, chief justice; Perry E. Brocchus, of Alabama, and Zerubbabel Snow, of Ohio, associate justices; Seth M. Blair, attorney; and Joseph L. Heywood, marshal. Bernhisel continued: "I greatly regret that all the officers were not appointed from among our number. . . . It is thought that Mssrs. Buffington and Harris will not accept, but this I have no means of knowing positively, as they are not here. Mr. Brocchus, with whom I have a

¹⁰⁴Bernhisel to Brigham Young, September 12, 1850. In this interview President Fillmore asked Bernhisel whether Brigham Young would support the administration if appointed. "I replied," Bernhisel wrote to Brigham Young, "that I thought you would." In a letter of the same date marked "Strictly private and confidential," Bernhisel wrote: "It has been intimated to me in high quarters, that if the people of Utah wish any favors of this administration, they should elect a whig delegate to Congress—I have no aspirations for that office." The First Presidency of the Church answered on November 20, 1850: "We feel inclined, as soon as an organization can be gone into under the act, to elect a delegate; we shall recommend some good Whig for that office, and use what little influence we are possessed of to do the fair thing. . . . We think some of nominating a Whig for delegate who is now in Washington City, feeling assured that although he may have no aspirations to that office, yet that we can rely upon his eminent capability and acceptance."

¹⁰⁵Bernhisel to President Millard Fillmore, September 16, 1850. Italics in original. Letter on file in the CHIO.

slight acquaintance, has the reputation of being an honorable and liberal gentleman who is quite friendly disposed toward our community.”¹⁰⁶

One other appointment was made by the President. The Congress had appropriated five thousand dollars for the purchase of a library for the Territory of Utah, and the President was authorized to appoint an agent to make the selection and purchase of the books. President Fillmore appointed John M. Bernhisel—an excellent choice.

Conclusion

It was too late to return to the Valley in 1850, and Dr. John Bernhisel, physically exhausted and in need of rest, decided to return “as early as practicable the ensuing Spring.” As he set about his duties in procuring the books to be included in the library, he must have had mixed feelings about his political accomplishments. If he had been able to obtain the admittance of Deseret as a state, the long years of federal-territorial turmoil, which Bernhisel himself feared might transpire, would have been avoided. Though he was unable to achieve what the Mormons desired, the greatness of his work cannot be denied. He had represented Deseret well. He had refuted in a creditable way the false charges submitted against the Mormons. He won the admiration of many of the most distinguished statesmen of the day, and he had not been ashamed of the gospel or the people who sent him to Washington. John M. Bernhisel was a man of principle and courage, an effective lobbyist, and a stalwart missionary of the Mormons.

¹⁰⁶Joseph Buffington declined the appointment and was replaced by Lemuel H. Brandebury of Pennsylvania.



